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The Week

THE Pan-American Conference came to an end with the United States delegation still in control. At the last minute, the resolution forbidding any state to intervene "in the internal affairs" of any other was brought up again, and was defeated after Mr. Hughes argued that the Conference could not rewrite international law—a statement which is but a half-truth, since the countries represented at Havana could sign a treaty making such an agreement, if they chose to. The only attempt to attack the Caribbean policy of the United States—an attempt which never had any real chance of success—thus came to an end. Señor Pueyrredon's effort to have the Union authorized to deal with tariff questions likewise came to nothing, ending in his resigning from the Argentine delegation and as Ambassador to the United States. This project, also, was foredoomed to failure, and no one knew this better than the astute gentleman who made it, who was beyond doubt playing Argentine presidential politics. Otherwise, the Conference, as a whole, ran true to form. There was no unanimity among the opponents of the United States. There

was no common desire to challenge our power, or to have the Monroe Doctrine rewritten into a joint declaration of policy. However they may have felt as individuals—and there is good reason to believe that many of them would have welcomed, privately, an intransigence which they were not permitted to exhibit publicly—the delegates accepted a continuance of the *status quo*.

DESPITE its negative character, the gathering probably did more good than harm—though final judgment on that point must depend somewhat on how it has been received in Latin America generally, as to which information is still lacking. While it is true that the United States made no substantial concessions, it was certain in advance that this would be the case, and no realist need feel any disappointment. If we refused to change our policies, we did everything else we could to be conciliatory. Our delegation was the strongest we have ever sent, the President and Secretary of State took a long journey to be present at the first session, Secretary Hughes made two speeches repudiating imperialistic intentions on our part, "aggressive war" was renounced for this hemisphere, and arbitration was again given a handsome endorsement.

MR. HUGHES, who dominated the convention from first to last, played the part of a great lawyer; whether he also acted as a great statesman, time alone can say. The New Republic believes that he did not. We feel that a fine opportunity to establish a genuine *entente cordiale* was lost when we refused to discuss our actions in the Caribbean candidly, which we never did from first to last. While the Marines govern Haiti and shoot Nicaraguans by the hundred, it is no answer to say that we should be glad to get out of these countries, and that our "interposition," which was the American delegation's official word for intervention, is conducted under well known rules of international law. If we had offered at Havana a proposal to consult the Pan-American Union before intervening in any country, the suggestion might have been rejected; but in that case we should have had an answer for hostile critics for all time in the future. If it had

been accepted—and there was at least a fighting chance that it would be—we should have lost nothing of any genuine importance to ourselves, and should have gained enormously in the good will of the whole world. The Conference, in short, was conducted on typical Coolidge lines: take no action if it can possibly be avoided; prevent genuine discussion, and hope for the best. If that policy stores up much greater trouble for some successor to Mr. Coolidge in the White House—well, what have his successors done for him?

THE administration, and the big-navy men in general, have been taken greatly aback by the torrent of protest against the naval building program which has poured in from all parts of the country. So much objection has been heard, and from such important sources, that it could not be ignored. The \$740,000,000 plan has therefore been thrown overboard with precipitate haste. The House Naval Committee will probably drop the destroyers entirely, and ask for twenty-five cruisers and five aeroplane carriers. The twenty-five cruisers would replace twenty-three which are now approaching obsolescence, and even of these, Congress will be asked to insist on the building within a specified time limit of only ten or fifteen, plus one or two aeroplane carriers. Thirty-five submarines will be asked, but Representative Britten argues that when all of these have been built, the tonnage of our undersea boats will be smaller by 9,000 tons than at present, due to the scrapping of worn-out vessels. This program is still a huge one, which is primarily the result of the failure of the Geneva parley; but it does represent a substantial decline from the Navy's first demand; and after it has run the gauntlet of House and Senate, it will be smaller still.

INDUSTRIAL Commissioner James A. Hamilton of New York State, in response to Governor Smith's request for a quick survey of the unemployment situation, reports that although data are lacking for knowledge of how many unemployed there are, the evidence indicates "an extensive amount of unemployment" and "serious distress has been caused. . . . If the present condition is not relieved distress will increase. . . . One has to go back to 1921 to find an employment situation rivaling the present." The Governor has ordered the pushing of all public-works programs by the state and has transmitted the report, with recommendations for action, to the mayors and other local officials. Illinois also reports more unemployment than since 1921. The January figures of employment in the nation's factories, now available, show a continuance of the downward tendency. Meanwhile the Federal Employment Service continues the ineffectual optimism of the Washington administration by suggesting that the revival in steel and automobiles will relieve the situation this spring. Even if these and other industries enjoy a prolonged revival, this hope is

unjustified, as we have previously pointed out, since a large part of the unemployment did not arise from temporary trade depression, but from the need for fewer workers to sustain even a high volume of production. Moreover, reports from Pittsburgh indicate that the steel revival is likely to be short-lived, since it appears to be a purely seasonal affair which has carried production no higher than is usual at this time of year, and has, in fact, led to some production in advance of demand. Automobile makers, too, have been anticipating the spring trade, and no one can tell whether it will live up to their expectations.

THE country will do well to note the behavior of its public officials during the unemployment crisis. Politicians in office are quick to seize the credit for good times, slow to admit the presence of bad times, extremely wary of attempting anything to relieve them or to insure against their evil effects in the future. So far, Governor Smith is the only important official, so far as we know, who has made even the beginning of an effort to deal with the present crisis. He furnishes a shining contrast with anybody in the national administration, or with any other governor. Senator Wagner of New York has moved for a national inquiry into the situation. We hope the large committee of prominent men whom Secretary Hoover has appointed to inquire, with the statistical assistance of the National Bureau of Economic Research, into the course of economic events in the past few years, will make a special point of studying the growth of unemployment in an attempt to discover what might have been done to prevent it, or what might have been done to alleviate as much of it as could not be prevented. But we fear that this committee was not formed for such purposes and will have little to contribute. Secretary Hoover still has, however, an opportunity to take a step beyond that of Governor Smith, if he will utilize the best expert advice already available to develop a fundamental program for the systematic relief and prevention of unemployment. Dealing with crises after they arrive is something, but by no means enough.

THE newspapers have very properly had a good deal to say about the late Lord Oxford's public career and his services to his country. But it seems worth while to add to these reviews of his political career a brief tribute to that aspect of his personality which in the eyes of his most intimate associates distinguished him most completely. He was the embodiment of a kind of spiritual generosity and unselfishness. On the lower side of a kind of easy-going good-nature he carried this quality perhaps to a fault. It certainly placed him at a disadvantage in his relations with less trusting and honorable men. It rendered him, we imagine, less censorious of himself and of others than he should have been. But the quality had also in him a higher and nobler ex-

pression. He was on occasion quite capable of genuine magnanimity.

WHEN the Senate Committee proved beyond question that in addition to the bonds of the dummy Continental Trading Company which were used to bribe Mr. Fall, twenty-four thousand dollars' worth went to pay off the Republican campaign deficit of 1920, the news startled the whole country. The press everywhere displayed it as one of the chief items of the day—or nearly everywhere. Readers of three papers in Portland, Maine, did not see a line about this important piece of information. The facts were made public on Saturday, February 11. The Portland Evening Express of that day ignored them. The Sunday Telegram and the Press-Herald of the next day also ignored them. The only Portland paper to print a word of the revelation was an independent newcomer, the Portland Evening News. Maine is a rock-ballasted Republican state; the three newspapers mentioned above are tried, if not true, Republican journals. Evidently they have adopted as their motto that of the three Indian monkeys: Hear no evil, see no evil, speak no evil—of the G. O. P.

ONLY by a technicality did Governor Jackson of Indiana escape an almost certain verdict of guilty, and a prison sentence, in his trial which has just ended. Former Governor McCray, himself only lately out of prison after serving one-third of a ten-year sentence, testified that while he was still in the gubernatorial chair, Jackson offered him a \$10,000 bribe and a promise of immunity in the county courts, if a certain man were appointed public prosecutor. The proffer was made so long ago that the statute of limitations prevented trial on a simple basis of attempted bribery. It was necessary to allege that the transaction had been concealed until a few months ago. The judge reluctantly ruled that, as to this, the state had failed to establish its case. He indicated his belief that the accusations made against Governor Jackson are justified by the facts. A public clamor has now arisen throughout Indiana for Jackson to resign; but he has the hide of a rhinoceros and may decide to brazen it out. Indeed, he hints that he may run for the U. S. Senate this fall.

JACKSON is a hold-over from the days when the Ku Klux Klan controlled the state, directed by the notorious D. C. Stephenson, who is now serving a life sentence for murder. Today the Klan is badly shattered, in Indiana as elsewhere throughout the country, with its membership reduced at least one-half. We should remember, however, that its ideas still prevail. Those who have left it have grown tired of paying dues, but they have not changed their attitude on Negro, Jew and Catholic. Bigotry and ignorance still exist, and make Klannishness a

powerful political force, even where kliegles and klaverns have been swept into the dustbin.

THE Union Labor Life Insurance Company, the new A. F. of L. institution formed to compete with the group-insurance plans of employers which tie the worker to the individual concern, already has on its books insurance in excess of \$34,000,000, covering over 49,000 lives. Most of this is group insurance placed by unions without solicitation and without commission cost. Thus to the ordinary advantages of group insurance, which gives the maximum protection at the minimum cost, is added the advantage of a very low selling expense. If so much progress has been made in so short a time, the company ought to grow rapidly and prove a real asset, not only to the insured as individuals but to the labor movement as a whole. With this good record to his credit, Matthew Woll, the President, ought to look carefully into his responsibility, as acting President of the National Civic Federation, for that organization's hostility to the growing movement for old-age pensions.

PRIVATELY built motor express highways, collecting tolls for profit, represent a return to an economic phenomenon unknown in this country since its earliest days. For generations roads have been publicly built and maintained out of taxes, free for everyone's use. Yet such a private highway is to be built from Philadelphia to Atlantic City, and other important ones are projected. In one respect there is a sound economic justification for this atavism. Express motor highways are not as necessary and useful for everyone as they are for a limited class of the population. Fast motor-buses run for profit, and owners of private cars who desire to make long trips in them are about the only direct beneficiaries from express highways. Why should such highways be built and maintained from taxes levied on farm land or other real estate, from income taxes, or even from automobile license fees and gasoline taxes collected from the general run of motorists? Yet there is no reason, if this position is correct, why the public authority itself should not collect the fee and build the road. And we should not lose sight of the fact that sound regional planning includes the location of roads in reference to the larger benefit of a whole community, rather than merely in the places where they can earn the most profit.

ACCORDING to the National Safety Council, the death rate from automobile accidents in the United States has risen from 2.2 per 100,000 in 1911 to 17.0 in 1925, and is now probably higher still. Meanwhile the death rates from all other important types of accident have shown a marked decrease. Only a few fatal diseases are more important as causes of death than are accidents in this country. The greatest number of automobile fatalities occurs

in the fall, the smallest number in the winter. More accidents occur on Saturday and Sunday than on other days, and more at 5 P. M. than at other hours. The causes of automobile accidents in which only motorists are concerned are, in the order of their importance: first, did not have right of way; second, skidding; third, exceeding speed limit; fourth, on wrong side of road; fifth, cutting left corner. All these and most of the others are avoidable with proper care. The most important causes for accidents in which pedestrians are involved are: being in the street, not at an intersection; crossing at an intersection which has no signal; and crossing against a signal. These, too, are for the most part avoidable. Individuals can help this situation by increased caution. The authorities can help by better traffic and license regulation, and stricter enforcement. The state can and should help by installing compulsory liability-insurance for automobile owners.

First Blood in the Power War

THE great power lobby in Washington has won the first of the three main objectives which it set itself in this Congress—to kill the Walsh resolution for an inquiry by the Senate into the practices of the industry. It did so by a strictly non-partisan vote. Everyone knew that the stand-pat Republicans would be with the power combinations on any issue. Everyone knew that the progressive Republicans would be against them on this issue. But the fact that perhaps the most distinguished and able Democrat in the Senate—Mr. Walsh of Montana—was pushing the resolution, aroused hopes that the Democrats would vote as a virtual unit for the measure. Their failure to do so killed it. The successful amendment to refer the inquiry to the Republican-controlled and ineffectual Federal Trade Commission was made by Senator George of Georgia. It was supported by Senator Robinson, Democratic floor leader. The division upon so important and significant a question draws a line between those Democrats who are subservient to big business, right or wrong, and those who are not, almost as sharp and clear as the similar line dividing the Republicans. If the same division occurs on the two other measures against which the power combinations have declared war—the Swing-Johnson bill for Boulder Dam and the proposal for government operation of Muscle Shoals, the separation of the Democrats will be ineradicable. We shall have in the Senate two new parties, one consisting of the Republican-Democratic advocates of the subservience of government to big business, and the other consisting of the Republican-Democratic representatives of the public interest.

The tactics of the lobby were clever, but they will not in the long run deceive the public. To

vote down the Walsh resolution out of hand would have been too crude, and an attempt to do so would probably have cost the power interests a majority. Their first attempt was to have the inquiry made, not by a special committee, but by the Senate Committee on Interstate Commerce, under the reactionary chairmanship of Watson of Indiana. This move Senator Walsh fought successfully. The next was to have the Interstate Commerce Committee, to which the resolution was referred, recommend to the Senate that the inquiry be made by the Federal Trade Commission. A motion to do so was lost by nine to nine. The same effort was then transferred to the floor of the Senate by a favorable report on the resolution. This time, private power won.

This method of putting the investigation to sleep is too transparent to do anything but sharpen the issue. Senator Walsh, by his honesty, ability and persistence in the oil scandals inquiry, has proved both his capacity as an investigator and his ability to attract public attention to a major problem. By their determined opposition to an inquiry directed by him, the power interests have revealed what a vulnerable position they occupy—a position which could not long be held in the light of public scrutiny. So much is already known, by those who have studied the situation, about the financing of the holding companies, their enormous profits and their high charges upon the operating companies, their immunity from regulation, their control over politics and propaganda, that the utilities thought they could not afford to have these facts brought out, for general edification, on the front pages of the newspapers. Their way of stating this was to oppose a "political investigation." Of 274 men who signed as "attorneys" a memorandum on this score, thirty are in fact executives or directors of electric light and power companies, and 141 have held or do hold political jobs. Politics, it would appear, is reprehensible when employed in the public interest by a man of the integrity and distinction of Senator Walsh, though not when employed to curb such a man's usefulness by private interests who contribute largely to campaign funds, and by miscellaneous political hirelings.

Equally cheap was the gibe of Senator Bruce of Maryland: "The Senate is drunk with its investigating powers. Some people take as much pleasure in investigation as others do in intoxication. It is now high time the Senate investigate itself." The Senate has performed few more important services in the past few years than by its investigations. Senatorial investigation is almost the only effective instrument left in the United States by which great abuses may be uncovered and discouraged. The daily press, the magazines, the executive departments, have largely been tamed. Are we to understand that Senator Bruce is expressing regret for the revelations of Teapot Dome and Elk Hills, of Daugherty and Forbes? Apparently he is not in-

toxicated with delight at the publicity which these matters have received. The truth may be that a thorough-going inquiry into the political activities of the power companies would have come too close to an investigation of the Senate by itself to suit some of the Senators.

The positive advantages which the power interests gain by relegating the investigation to the Federal Trade Commission are clear. The substitution of second-rate and third-rate men for first-rate men in making the inquiry. Delay. Playing down the news—the press never pays the attention to commission activities that it does to the Senate. Confusion arising from the fact that the Commission is already so overworked and understaffed that it cannot perform its proper duties. This inquiry, indeed, does not fall within its proper duties. The Commission was created chiefly to prevent unfair competition and work out, under the law, a wise anti-trust policy. Its investigatory powers were given it for that purpose. But in this case there was no question of discovering or preventing monopoly. Public utilities are admittedly monopolies. The question concerned their financial practices, their political activities, the inadequacy of their regulation. The clause of the resolution directing the Commission to inquire whether the alleged practices of the utilities constitute unfair competition or violate the anti-trust laws was inserted, not by Senator Walsh, but by Senator George, who opposed the senatorial investigation, and it suggests that an opportunity is being offered to whitewash the utilities in an irrelevant matter.

All this would be true, if the Federal Trade Commission were composed wholly of men to whom no objection could be made. Yet its majority is now controlled by Harding-Coolidge appointees put there expressly because of their favorable attitude toward big business. The Chairman, William E. Humphrey, was appointed as a lame-duck Congressman. It was he who refused to give the Department of Justice access to the files of the Commission which contained information regarding the Aluminum Company of America, wanted by Attorney General Stone in an investigation of the alleged monopolistic practices of that concern.

In spite of the clever maneuvering of the power interests, we believe their action in this matter will in the end make more trouble for them than it will avoid. Irritation against the more outrageous activities of the utility holding-companies is not a flash in the pan. It has been smoldering for several years, and there is no reason to expect it to be extinguished simply because at this moment they have been able to prevent its expression. What they have done furnishes, on the contrary, the most dramatic example of their pervasive power. The incident is likely to make a deeper impression as time goes on. In the end they cannot escape curbing. If wiser counsel had been at hand, they would have used the occasion at least to dissemble an en-

tire readiness to be examined, to abandon any questionable practices or to disavow any scandals of which parts of the industry might have been guilty, and to accept such federal regulation as might have followed. This would shortly have strengthened their reputation, and would not have interfered with their expansion and their legitimate profits. As it is, when they finally come to the necessity of riding the storm, it is likely to be blacker and more menacing. The movement for rigid control will be strengthened by the recalcitrant attitude of the industry. Agitation such as that begun by the Massachusetts utilities commission to substitute either a more effective form of regulation or public ownership will engage more attention. The attack necessary to cope with so headstrong and cynical an interest must of necessity be sharper. It has chosen war; first blood has been spilt; passions will rise. The pressure upon candidates like Hoover and Smith to declare themselves on the issue is increased. The Senate minority, and the minority of citizens now back of it, are courageous and informed and persistent enough to press the fight. The next engagements—those of Boulder Dam and Muscle Shoals—will now be waged and watched more intensely.

Crippling His Wings

EVER since Lindbergh landed at Bourget Field, this country has given a perfect demonstration of the kind of parent who ruins his child's life with too much love. Lindbergh made the flight to Paris on his own responsibility. He got the backing himself, he even put his own money into it. His countrymen did nothing to help him. But from the moment that he arrived at Paris, he became *ours*. Like a doting parent to whom his child's daring has been hitherto mere recklessness, but who, as soon as that daring has been crowned with success, wants to use it to redound to *his*—the parent's—prestige, this country pounced upon Lindbergh, as he came off the field of victory, put its arms possessively about him, smothered him with a mixture of pride, love and parental managing, and did everything in its power to destroy the very qualities that it adores in him.

For example, Lindbergh lands in France. He is young, he has never been to Europe. He loves flying. He has promised himself the fun of seeing Europe in his own way, i. e., by flying from one country to another. Do we let him do it? We do not. We take charge of him and put him through a series of official dinners and receptions that gives him about as much chance to see Europe as though he were in a Pullman car with the curtains drawn. And all this in order to redound to our credit. He is no longer permitted to be himself. He is US personified. He is the United States. In effect, we say, "See! This is the kind of person we are!" And then, to cap the climax, we bring him home in a battleship! Lindbergh would have preferred to come

back in an ocean liner. Any boy would, on his first trip to Europe. One's first trip on an ocean liner is a great adventure—the novelty of it, the many people of all kinds and conditions, floating for a week in a tiny, compact, variegated world of their own on the great Atlantic. And, instead of that, to be put on a gray battleship with a collection of people all of the same stripe, in a kind of ship that has about as much relation to the life of the sea as a Ford factory has! We might as well have put him in a pneumatic tube and shot him across the Atlantic!

And then when we got him on this side, we continued to play the doting parent. He had to perform for the folks. We made him ride on the covered top of an automobile through miles and miles of yelling crowds—this boy who evidently hates publicity and indiscriminate hullabaloo. How much he hates it was revealed by a recent incident in Washington. As he walked up the path to the White House, some Babbitt in the crowd rushed out and slapped him on the back. And Lindbergh *frowned*. Yes, actually. He did not smile and hold out the glad hand in good American salesmanship or political style. He *frowned*. It was a peculiarly appropriate frown. That is what, in effect, the United States has been doing for months. It has been saying, "You see, I am not the cheap, pushing, vulgar salesman that you have been thinking I am. Look at Lindbergh!" It is really pathetic. Evidently we have been very sore on that point. And evidently we have enough sensibility left to wish to be something else. Just like the parent who finds his son admired for qualities which he does not have.

So we send him to Mexico and South American countries to prove to them that we are not what they think us.

Finally, in recompense for doing all these things which he did not want to do, someone in Washington has drawn the perfect inference. He is so precious to this nation that it must deprive him of the right to do the one thing that he wants to do—fly where and when and how he chooses! That certainly completes the circle. His life is so valuable that it must be preserved as an inspiration to the youth of the land! How long does the proponent of this absurd proposal think that Lindbergh would remain an inspiration to the youth of the nation if he yielded to such an unjustifiable infringement of his liberty? For youth, unlike parents of the old-fashioned type, really does love daring, courage, devotion to something greater than one's own life, is bored with all the trappings of material success, as compared with the joy and thrill of an everlasting flight.

The past few months must have been a rather steadily growing series of disillusionments for Lindbergh. Continued long enough, this sort of thing always means that the parent loses the love of his son. Every parent and every adult with any sen-

sitiveness has suffered from that clear-eyed, cool appraisal of youth in regard to adult activities, and the gradual loss of their respect. It is not a pleasant experience. Rationalizations never help. For example, those who would restrict Lindbergh's flying activities to this country—"he mustn't go flying over those dangerous jungles"—are acting exactly like the parent who says to his child, "But why should you want to swim in the river when there is that nice, shallow creek near by to swim in? The river is dangerous, and it has rapids, and what would I do if you got drowned? Father and mother love you too much to let you do that." This country needs to take a lesson from Lindbergh's own mother, and leave him alone to live his own life. Let him fly—when and where and how he chooses.

Decisions against the "Yellow Dog"

TWO decisions of New York State courts have greatly strengthened organized labor's fight against the judicial enforcement of the "yellow dog contract"—one by the Court of Appeals invalidating an injunction obtained in the lower courts by the Interborough Rapid Transit Company, and the other, and more recent, by Supreme Court Judge Wasservogel denying an application for a second injunction by the same employer.

Immediately upon the conclusion of the general strike of its employees in 1916, the Interborough caused the formation of the "Brotherhood of Interborough Rapid Transit Company Employees"—membership in which was required of all the Company's workers. The constitution of this organization, approved by the board of directors of the Interborough Rapid Transit Company, was amended early in 1920 to require every newly employed person to join the Brotherhood and to "accept its obligations" as a condition of employment. One of the obligations to be thus accepted was this:

In conformity with the policy adopted by the Brotherhood and consented to by the Company, and as a condition of employment, I expressly agree that I will remain a member of the Brotherhood during the time I am employed by the Company and am eligible to membership therein; that I am not, and will not become identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America, or with any other association of street-railway or other employees, with the exception of this Brotherhood, and the Voluntary Relief Department of the Company while a member of the Brotherhood or in the employ of the Company, and that a violation of this agreement or the interference with any member of the Brotherhood in the discharge of his duties or disturbing him in any manner for the purpose of breaking up or interfering with the Brotherhood shall of itself constitute cause for dismissal from the employ of the Company.

The story of the strike of July, 1926, of the revolt of Lavin, Bark and Phelan against the Company union and of the Interborough's ultimate victory, is now familiar. Lavin lost his job; but he continued to urge employees of the Interborough to become members of the Amalgamated Association and to argue that they would obtain better pay and conditions of employment through demands made on their behalf by the Amalgamated Association than under the system of bargaining by the Brotherhood.

Here came into play the sanctity of the employee's obligation "solemnly accepted" as a condition of employment—"not to become identified in any manner with the Amalgamated Association . . . while in the employ of the Company." This promise formed the legal groundwork for an all-embracing injunction restraining the activities of Lavin, *et al.* And so firm, evidently, was the legal groundwork, that the Appellate Division unanimously affirmed the injunction without as much as writing an opinion. But Mr. Quackenbush, counsel for the Interborough, apparently had a premonition even in the first flush of victory. He toughened the soft spots of his Company union, by drawing up a new contract containing new features, and forcing employees to sign it in order to keep their jobs. First, each employee "covenanted and agreed" not with the Brotherhood alone, but also with "said Company," to remain in the Company's employ until April 30, 1929, and "as a condition of said employment" further agreed that he would not, during the period of his employment, become a member of the Amalgamated Association. Second, in order that the legal desiderata of a contract be satisfied, the employee received, as consideration for his obligation, the Company's promise that he would be employed until April 30, 1929. Thus the contract of employment became one for a definite term.

The Amalgamated nevertheless continued its campaign of organizing the Interborough employees, and was again brought to the bar of justice by an application for an injunction on the basis of the new contract, directed against organized labor as a whole. But before this case was argued, word came of the decision of the Court of Appeals in the Lavin case, reversing the injunction granted by the lower court. With the Lavin case before him, Judge Wasservogel early last week held that Mr. Quackenbush's fence-mending was of no avail and that the "intervention of a Court of Equity at this time is not warranted." The central issue in both cases was, to what extent will the sanction of legal enforceability be given to an employee's promise not to join a union while remaining in employ—a so-called "yellow dog" promise. To discern the meaning of these decisions, and their place in the struggle for the recognition of labor's right to organize, we must draw upon a bit of history.

It was by legislation that organized labor first fought "yellow dog" contracts, contracts that suck

the foundations from under unionism; and the decisions of courts defeated this attack. In the latter years of the nineteenth century and the early ones of the twentieth, statutory enactments were passed in New York, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, Wisconsin, Illinois, California, Colorado, Connecticut, Indiana, Massachusetts and Oregon, making it criminal for an employer to require his employees, as a condition of obtaining or retaining their employment, to enter into an agreement not to become or remain a member of a labor union.

To the same effect was the federal Erdman Act of 1898, which resulted from a recommendation of the commission that investigated the Pullman strike. But first in Missouri, and then in Wisconsin, Illinois, Pennsylvania, Ohio, Kansas and New York, the judicial headsman swung his axe. Then the Supreme Court of the United States in the *Adair* case and in *Coppage vs. Kansas* crystallized all of these decisions by holding that the constitutional guarantees of liberty of contract and of property rights require freedom from legislative interference with that liberty of contract. Chief among the court's arguments was, that if the conditions of the bargaining struggle between a single employee and a large employer are unequal, that circumstance is a legitimate and necessary result of the exercise of the rights of freedom of contract and of private property; hence the efforts by law "to establish the equality of position between the parties in which liberty of contract begins" are prevented by the Constitution.

Why the tremendous effort of employers to maintain uncircumscribed the liberty to make this particular sort of contract? No court would specifically enforce such a promise against the employees; and an action for damages against the laborer would be futile. The answer lies, as Mr. Quackenbush obviously was taught to believe, in the use of such a contract as a hook upon which to hang an injunction. And if we take the weight (in number) of judicial precedents as an indication as to which way justice lies, there is something to be said for Mr. Quackenbush's theory. There are to be found in this country, outside of New York, substantial remnants of the doctrine that there is a right of action against one who entices away another's employees, though they be under no contractual obligations at all. The *Hitchman* case gave force to this view.

A right of action for persuading an employee to leave his employ is universally recognized—and it rests upon fundamental principles of general application—not upon the English Statute of Laborers.

Then there is the legal doctrine, but lately developed, that inducing a breach of contract is a tort. The *Hitchman* case—if one can surmount the difficulties of finding where there is a contract and a

breach of contract—rests most comfortably upon that ground and has been so understood by decisions in a brood of cases in the lower federal courts and in many state courts. If for this reason alone, the Hitchman case deserves discussion. The superintendent of the union had stipulated, orally and later in writing with each employee, that he would not become a member of the United Mine Workers of America while in the employ of the Hitchman Coal Company. The union workers proceeded to proselytize among the miners, persuading them to sign statements agreeing to join the union and strike when called upon to do so. In this the union organizers were enjoined on the ground that the plaintiff had a right to require its employees not to join the union, and, even in the absence of a contract for a definite term of employ, the plaintiff had a pecuniary interest in the reasonable probability that the workers would continue on the job, which interest is protected by law.

Such was the basis for Mr. Quackenbush's belief that a contract between the employees and the Interborough would insulate the Company from contact with organized labor. There was nothing in the decisions of New York to point definitely to the contrary. The Court of Appeals had in recent years accepted the doctrine that "if one maliciously interferes with a contract between two parties and induces one of them to break that contract to the injury of the other, the party injured can maintain an action against the wrongdoer." Lower courts had several times accepted this as a warrant for restraining the activities of labor unions. But in the Exchange Bakery case, decided last year, the Court of Appeals pointed out that "there is as yet no [such] precedent in this Court." Then the Lavin case came to the New York Court of Appeals.

The circumstances under which it arose have already been recounted. Judge Lehman, writing for the Court, noticed that the employment was terminable at will of either party, and that while the employee's promise not to join an outside union ran to the Brotherhood and not to the Company, nevertheless there did exist an "understanding" to that effect. This understanding, in the words of the Court, admittedly "constitutes an important factor in the value of the plaintiff's going business" and should be immune from interference "by an officious outsider, merely for the purpose of injuring the plaintiff. . . ." But in this case there was justification for the union's destruction of this "significant factor in the value of the plaintiff's business." The Court spells out the justification in this way.

Collective bargaining by an association limited to employees of one company; prohibition by an employer against joining other labor associations may weaken or indeed threaten the existence of a general labor union. The union may argue the greater effectiveness of its own methods, the validity of its own principles. Where employees have freedom of choice, a

labor union may not be accused of malicious interference when it urges the employees to make that choice in its favor, even though that choice may involve termination of present employment and consequent disruption of a business organization.

In substance, it is the justification of self-defense on the part of a social organism that the state thinks good. Whether this privilege extends to a contract for a definite time, as well as one terminable at will, and whether it permits the union to urge the employees to keep secret their new affiliation, remained open questions, and questions which some persons have hoped would be answered in the Interborough's case against the American Federation of Labor.

But Judge Wasservogel attained his solution by reducing the differentiating factors to suit the pattern of the Lavin case. He first reduced the contract, nominally for a stipulated term of two years, to one terminable at the will of the parties, since "unlimited and practically unhampered power to discharge employees is given to the Company." Such a contract, if it be construed for a definite term, is too unjust to be enforced by a court of equity.

If significances may be reckoned up, the shining one to be found in the opinions of the Court of Appeals and of Judge Wasservogel is their disclosure of a wiser approach to the process of solving a labor controversy. There is recognition that the problems of other times and places and the decisions of courts thereon may be used to give light, not to shut it out. There is evident, throughout, solicitous hugging of the record in the particular case in order that the real controversy may be met and not a hypothetical one. The inference is not difficult. Intelligent judges have come to realize that, in a field of such heated controversy and never-ceasing change, courts must decide the case before them and nothing else; they have come to be anxious not to say too much, not to prevent the use, by a subsequent court, of whatever wisdom men will have acquired in the interim.

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HERBERT CROLY, PRESIDENT, DANIEL MEBANE, TREASURER

EDITORS

HERBERT CROLY BRUCE BLIVEN GEORGE SOULE
EDMUND WILSON STARK YOUNG R. M. LOVETT

ASSISTANT EDITOR: T. S. MATTHEWS

CONTRIBUTING EDITORS

JANE ADDAMS JOHN DEWEY WALDO FRANK
ALVIN JOHNSON E. C. LINDEMAN ROBERT LITTELL
LEWIS MUMFORD GILBERT SELDES LEO WOLMAN
ELINOR WYLIE

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And Cuba for the Winter

THEY call it the Pearl of the Antilles, those Cubans, in their high-flying Latin way, and truly it is charming, especially if you stay near the seacoast where the waters rush up, purple and cream, to a strand the color of new honey, and the royal palms, very tall and thin, shake their wind-blown bobs far above the dusty, dull-green mat of vegetation which is the tropics' only alternative to swamp. The steady on-shore breeze dulls the knife-edge of the heat which is otherwise oppressive enough, even in January, to one who has thickened his blood for the blizzards. The city is big and flat, beside a bottle-neck harbor full of ships. Its houses are white, light pink and yellow, under the burning tropical sun, with flat, tiled roofs, and patios. Most of the old streets of Spanish days are narrow; one looks through doors of delicate iron lace, through dark, cool hallways full of ferns and Victorian statuary into the green gardens beyond.

The Americans made some streets, too, after the Spanish War, wide and straight streets, which know where they are going, and are on their way. Through broad highways and narrow ones roars a ceaseless swift traffic of little automobiles: it is a Chevrolet Elysium. Most of the cars are taxis, limited by printed promise to a fare of twenty cents anywhere in the first zone, which is a great circle taking in all the business district. The Cubans add no *pourboire* to this sum; only the tourists, says Cuba ruefully, tip and spoil them. It is a complaint which one has also heard in Siena, Lyons, Stratford, Quebec and points east and west.

The serious drinkers.—Only the tourists tip and spoil them . . . and what a crew these tourists are! In summer, Canada is the nearest and coolest place where you Can Get It and be sure of quality. But when the winds of winter blow past ice-bound corners everywhere north of the M-D line, thoughts turn to Cuba. It is only overnight from Miami, a few hours' sail from Key West. It is hot, it is "wet," it is, in its easy tropical way, Wide Open. Small wonder, therefore, that Havana is studded with very new and painfully expensive English-spoken hotels, which are jammed to the billiard tables from January to April.

The boozing—it would be an injustice to ten good European countries which know how to handle intoxicants to call it by a more dignified name—begins when your ship is barely three miles out of its American port, if it is of a registry which permits a bar. Stewards advance by squads on the staterooms, bearing Bacardi and Johnny Walker. By the time the Pearl of the Antilles is to be seen, many passengers are in no condition

to see it. So far as can be observed, some of them never do see it. They spend their time ashore in the bar, or asleep. Or both. It is not a very pretty picture, to see half a dozen gray-haired American ladies clinging to the bar rail in Sloppy Joe's (formerly Dirty Joe's, and under the same management), shouting maudlin ditties to the tropic night and their bored and slick-haired gigolos. After all, every good patriot wants to see his fellow countrymen hold their liquor well.

Not all the tourists, to be sure, are ridden by this strange desire to escape from reality by the road of alcohol. There are several varieties, which deserve enumeration. There is, first, the racing crowd—hard-looking, ruddy-faced men in expensive loud clothing, with field-glasses on hip, and smartly dressed women who might have been in the chorus fifteen years ago. A perpetual mystery is how these people get money enough to follow the ponies around the calendar—Havana, New Orleans, Havre de Grace, Belmont. They don't do it on their betting, which gives no sucker an even break. They give no evidence of ever working, they are not criminals, they do not act like people with money—solid hunks of it—behind them. They just miraculously go on and on, morose, speechless, but somehow managing always to pay their hotel bills.

At the opposite extreme from them are Mr. and Mrs. Middle West, age about fifty, with plenty of money which they spend cautiously, both of them too plump, both embarrassed by the splendors of the Hotel De Luxe. About the best-hearted people in the world, and the dullest dinner companions. The Middle Wests don't drink, or if they do, it is "just a little of something very sweet" to see what it is like. These incredulous eyes have beheld five such couples, on a sightseeing tour, enter a café famous the world over for its marvelous special cocktail—formula a secret. While the ladies lingered at the door buying Mexican beadwork made in Lynn, Massachusetts, the gentlemen lined up at the bar—and consumed five greasy ham sandwiches, not helped down by so much as a pickle.

No catalogue of winter visitors would be complete if it failed to enumerate the Pretty Ladies who congregate in quantities each afternoon at the cocktail hour in Havana's equivalent of Peacock Alley. And how pretty they are!—and what ladies!—at least, until they open their mouths to speak, and sometimes even after. The Pretty Ladies have been having a rather difficult time of late. Cuba got a mauve and green eye out of the White Slave report to the League of Nations, and has been going in for a touch of reform ever since. A girl traveling alone, unless she is of a reassuring ugliness, is asked a lot of questions by the nasty-minded

old immigration officials. Yet the mesh must still be wide, for many goldfish get through.

Taken as a class, the tourists seem a rather dull lot. While there are always exceptions, it is true of the majority that if they have any interests other than drinking, gambling, and keeping warm, they give little evidence of it. The newsstand in the leading Havana hotel sells no books other than two-hour detective stories, and among its periodicals the all-fiction newsprint variety outsells every other, nine to one. The theater is of small importance in the life of the Cubans and none at all, perhaps because of the language difficulty, in that of the visitor. Havana supports a great deal of good music, but the doorman at the opera house would unquestionably drop dead if any "North American" turned up with a ticket. (These strictures do not, needless to say, apply to the 6,000 Americans who are permanent residents of Havana.) The tourist is a lotos eater; and he sees to it that the lotos involves no strain on his intellectual faculties.

Cuba Unlibre.—The Cubans ignore the tourists and the tourists ignore Cuba, except as a place which provides hotels, cafés, a gambling casino and a pleasant winter climate. This is a mild sort of pity; for there are some things about Cuba which are interesting and worth inspection.

This little country—its entire population is only three and a half millions—is just now in the hands of a high-powered, efficient dictatorship. President Machado has succeeded in suppressing all opposition, partly by the use of force, partly by making a glittering show of success in the creation of public works—new roads, parks, public edifices. A plebiscite is about to be held lengthening the presidential term from four to six years; and that it will be accepted is a foregone conclusion. President Machado has in the past opposed reelection, the cause of so much trouble in almost every Latin-American country. Today he is in office and . . . well, it is different when you are in office.

Who would not want to be President, if he could sit as pretty as this one? There is so little formal opposition to him that there might as well be none. Though Cuba has no effective libel law, few indeed are the papers which say anything unfriendly to the ruler. One periodical after another has been suppressed, for longer or shorter periods of time, until the editors have learned that their choice is: Be good or be muzzled.

On every one of the few occasions when any paper has persisted in criticizing the government, bad luck has befallen that journal. There was *El Dia*, for example. It indulged in criticism, of the sort which is always tagged "despicable and destructive." Presently its editor, Armando Andre, was found dead on his own doorstep. He had been shot down by an assassin, who was never apprehended. There was Antonio Lopez, another newspaper man, who also took a disagreeable tone in

his writings. Mysteriously killed at Sagua La Grande. There was the *Heraldo de Cuba*, whose editor, under similar circumstances, was secretly warned to flee the country, and "traveled in Europe for his health" for a long time. No one in Cuba doubts that this sojourn in Europe did, indeed, preserve his health.

Even writing a letter to a newspaper can get you into trouble in Cuba. Many immigrants (white, and of Spanish blood) have come to that country from the Canary Islands. The president of the Association of Canary Islanders (he had lived in Cuba thirty years) wrote back to a newspaper published in his former home, warning his compatriots that conditions were bad in the Antilles' Pearl. He was at once ordered deported.

The Sweet Uses of Adversity.—If Cuban journalists have suffered, what Cuban labor has endured has been far worse. For several years, a reign of terror has existed, against all Cuban working men who make themselves "obnoxious." Many men have been killed by "mysterious murderers." Many more have disappeared, and their friends and families do not know what has become of them. Many others have been cast into prison for varying periods of time. The familiar cry of "Bolshevism" has been raised to justify the harshness of the government, though it appears to be no more warranted against Cuban working men than when used by witch-hunters in the United States against everybody who is not ultra-conservative, and super-militaristic.

There is, for instance, the case of Alfredo Lopez, secretary of the Cuban Federation of Labor. He disappeared, and his wife and four children do not know to this day what became of him, though fellow unionists are sure he was shot, and believe they know the location of his grave. There was Enrique Varona, president of one division of the Cuban Railroad Brotherhood, who was assassinated as he was coming out of a motion picture theater. There was Domingo Dumanigo, treasurer of the brotherhood at Cienfuegos, who was shot; Thomas Grant, shot; Salvatore Torres, shot. And so on. The smallest of several estimates from responsible Cuban sources is that not less than one hundred men have been killed or have disappeared. There is no evidence—naturally—that the government is responsible for these things. But isn't it a lucky ruler, whose enemies thus melt away under some magical blight!

These developments have not passed unnoticed by labor in other countries. About a year ago an investigation was made, and the facts about the Cuban situation laid before the officials of the Pan-American and the American Federations of Labor. President William Green transmitted a copy of the report to Ambassador Ferrara, who represents Cuba at Washington; and Ambassador Ferrara made a reply which is printed in the records

of the last convention of the Pan-American Federation. Every interested person should get a copy of this priceless document and read it. It denies practically none of the allegations of fact laid before the Ambassador by Mr. Green. It falls back on abuse of those who have opposed Machado and says, in effect, that, whatever they got, they deserved.

Criticism which is resented and repudiated when made may nevertheless result in useful reform. Since the A. F. of L. interested itself, conditions have been better for Cuban labor. The government even says now, in its kindly way, that strikes are again to be permitted. . . . It is, I believe, a truism that no strike which is "permitted" is likely to be of any importance to the strikers.

Quis custodiet?—If you are amused by "typical Central-American government" in a foreign country, it may dampen your spirits a little to reflect that the United States shares with the Cubans the responsibility for what goes on in their country. The Platt Amendment not only gives us full control over Cuba's foreign relations, but explicitly gives us the right to intervene in Cuba at any time "for the maintenance of a government adequate for the protection of life, property, and individual liberty." We intervened under the Platt Amendment in 1906, and did so again, virtually though not technically, in 1921-23.

There is also the fact that, economically speaking, we own the island. Our investments are a billion and a half, about two-thirds of all Cuba's capital from any source. President Machado is hand-in-glove with the American capitalists; he is personally interested in the island's biggest public-utility corporation, which is chiefly owned in New York. It would be fantastic to suppose that the important American capitalists do not know what is going on in Cuba, and could not stop it if they wished. It was a partner in one of Wall Street's biggest banks who said at a financiers' dinner to Machado in New York a year ago that he hoped the President would be kept in charge of Cuba for a lifetime. One may fairly assume that he expressed the view of his colleagues in general.

Getting Educated.—Less serious in its consequences, but of the same general order as the suppression of labor, is President Machado's present quarrel with the students of the University of Havana, in consequence of which that institution—the only one of its rank on the island—is closed. The students, being Latins, were passionately interested in politics. Some of them opposed the proposal for a six-year presidential term; and practically all of them objected when Machado decided to erect on a wall of the University a handsome tablet dedicated to his own merits. They tore it down; and when it was again erected, tore it down again. Thereupon police arrested a dozen of the

leaders and put them in jail for a brief period. The President was heard to say that perhaps what was needed was a return to '71, and the frightened students took to the woods. (In 1871 the Spaniards executed eleven students for scribbling on the tomb of a tyrannical governor, lately deceased.) The University was then closed—ostensibly to make alterations in advance of the Pan-American Conference; and it has been closed ever since, now a matter of four months. Some students were suspended for ten years, others for six, others for four or two. If the story is not without its elements of comic opera, it is still serious enough for the youngsters who find that they must either mark time for long years, or go abroad to continue their studies—the latter alternative being out of the question for most of them.

Gamblers' Luck.—On any Cuban street, at any time of day, one may hear the musical singsong of the peddler of lottery tickets. The lottery is a government monopoly, an important source of revenue, and incidentally a great aid and comfort to the Machado administration. There are three drawings a month, and the total receipts from each sale of tickets are about \$900,000. The original plan when the lottery was started was to issue some 29,000 tickets at twenty-one dollars each, of which two dollars would be a commission to the selling agent, these agents to be selected from among worthy war veterans. Nearly all of the government's nineteen dollars was to go in prizes and administrative expenses. In fact, however, the tickets are sold at thirty dollars each, and the extra nine dollars per ticket creates a vast fund of several hundred thousand dollars a month which is at the government's disposal. (Few people buy a whole ticket, the favorite fraction being a hundredth, which ought to sell for twenty-one cents and actually sells for thirty.) The plan for giving the ticket-selling privilege to war veterans has come to nothing. At present there are about 2,000 of these concessions (called *collecturias*) each with a theoretical value of approximately \$3,600 a year. Many of these are distributed among members of the Cuban legislature who are good friends of the administration; and there are few who do not qualify. Indeed, legislators who decline to accept *collecturias* are known in Cuba as "white blackbirds." White blackbirds are a rare phenomenon.

The profits from the *collecturias* are not all distributed among the legislators. There is left over a very substantial sum every ten days. I do not know where this sum goes.

One of the striking sights to be seen in a drive through the countryside near Havana is the magnificent estates of the ex-presidents. Several of these gentlemen have large *haciendas*, only an hour or so from town, with houses so huge and elaborate that they can only be described as palaces. Which is, no doubt, as it should be.

Back to God's Country.—But, as I have said, Cuba's internal problems belong among the things of which the tourist never hears. The typical sojourner (excluding those exceptions already mentioned) spends his alcoholiday according to a well tried formula: arise at noon, horse racing until cocktail time, dinner at a restaurant which specializes in American food—none of this queer Spanish stuff—and the evening at the National Casino, which is a large and beautiful gambling house, and another important source of government revenue. After he has counted his losses (there is the usual

percentage in favor of the bank), perhaps a night club; or, if he wants a place that is more wicked, he can find one as tough as he is, however tough he may be.

As he staggers on board ship, his pockets filled with those little bottles of rum which he fondly, and vainly, imagines will escape the customs inspector's eye, he looks backward as Adam toward Eden. "Cuba," he says, "swonnerful. Mus' come back someday."

BRUCE BLIVEN.

Havana.

The Re-Discovery of America

VII: *The American Jungle*

Mr. Frank's articles have traced the progress from what was one great Western Culture—the synthesis of Judea, Greece, Alexandria, Rome—expressing the entire man, social, esthetic, religious, to the final release of the individual atom: the modern American. This organic Whole reached its height in medieval Christian Europe; its dissolution is the modern epoch, and the symbol of its deliquescence is the Atlantic. This break was expressed by action, and action became the modern value. Discovery, science, such new ideals as nationalism, secular internationalism, protestantism, expressed it. The voyage of Columbus symbolized it; emphasis on personal will energized it; the machine embodied it. Again and again, this "action" leads to America. America began as the "Grave of Europe," for in our Civil War the fragments of the dissolving Whole finally died; leaving the Seed—the American who is no longer of Europe, who is a true end and a true beginning. Action, which destroyed the old dogmatic Knowledge of Europe, may create a new kind of Knowledge. In "The Sense of the Whole" Mr. Frank established that the creating of Wholes is the basic human need: science, art, religion, express it in an ascending series. The ultimate Whole—religion—cannot survive without sound substructures: the wholes of science and art. This explains the death of the Whole of Europe, the preparatory role of modern art and science, and the problem of the released American "atom."—THE EDITORS.

PICTURE some American wild. A torpid river creeps through mists laden with life. Trees tangle toward the sky. Between the air and the earth writhes an impenetrable maze of growing things. And in this fever-dark, beasts prowl, man preys. Man, too, is of the jungle. His ways are compact with the creatures whom he hunts. He is so close to this chaos that his flesh falls with the leaves to make the mould; nor is his

spirit beyond it. He is not helpless. More than the man who follows careful paths, he must be deft in snaring food, patching his hut, warding off scorpion or foe. He knows the venomous plants and what is good to eat. Subtly and successfully as any beast, he stalks his quarry, tracks the water-hole, defends his wealth. He makes tools, he makes gods, he makes fire. He has names for everything that he encounters. Yet his excellence is ever in details; his conceptual knowledge of the world about him is but the exteriorization of his own personal sense. Not truly understanding, he has no control. He lacks method and ideas to lift him above the jungle and deliver it into his sovereignty. Famine, sudden death—the constants of his life—have made him clever, they have not made him wise.

This jungle may have a past which is not jungle at all. In Yucatan, the trees root in Mayan temples, lizards are at home in prayer-bowls, man squats in ignorance upon the shards of cities. These fragments of a culture ethnically his do not make the wild less virgin, nor his savagery less complete. The spirit which endowed their forms has left these cultural relics so that they remain, like any stones or trees, bare functions of man's barbarous desire—parts of a real jungle.

Not a particular kind of flora and fauna makes the jungle; not a particular color of skin or bag of tricks makes the savage who lives within it. Jungle is simply a luxuriant external nature, uncontrolled and unregenerate by man. And savages are men, possibly bright and enterprising, who by no concepts transcending the immediate needs of sense have made this nature theirs; men who have not learned to assimilate their world together with their personal desires into some kind of Whole. The jungle can but perpetuate itself through ceaseless proliferation of chaotic power. But man may change it. He may conceive his jungle as material for creative articulation; he may emerge from the values of mere survival and exploitation into making his world the

medium for that sense of truth and beauty which we have seen to be the stations on the way to Wholeness. Man, then, is no more the savage; and his jungle has become a country.

If we hold clear the cardinal features of jungle and of denizen within it, we find ourselves at home. In lieu of tarantulas and banyan trees, we have machines; in lieu of the action on us of storms and unguessed myriads of bacteria and insects, we have the intricate pull and stress of economic forces. And in lieu of ancient cities merged into tropic dust, we have the deposits of our old-world culture—the scattered and broken lay upon our lives of the ideas and forms which made America, at its birth, the grave of Europe. We, too, live beneath the whelm of what is *our* external nature; live on the defensive; live submissively beneath the play of forces alien to what we recognize as human and creative. We, too, have no highways in our wilderness, no signposts. And while the jungle lords it over us, we, too, real savages, respond with worship, model our divinities from its most looming and most cruel forms, adore its spawning and, immersed in the impervious Skein, are happy with scant survival.

The dominant growth in our jungle is of course the machine. Superficially at least, as it confronts us going about our world, the machine is not far in kind from the tumid monsters that clutter any jungle. You and I, for instance, did not make the motors which block our passage of Fifth Avenue. The workman did not make the factory in which he earns his living; nor did his child have a hand in the complex of mechanical contraptions which threshold and will regulate his world. The nature that dawns upon the modern child is one of myriad machines; the moral and esthetic universe which he constructs for himself comes to him as the spawn of myriad machines. If he is reared on a farm, motor, telephone, radio, and word and picture of the press are as natural to him as tree or cow. And, of course, the nature of the city is mechanical altogether. Experientially, the world of the machine is exterior to the dweller like any nature. And like the savage, he must learn to live by rigorous adjustment. The cocoanut gives food, so does the mill. Nature for the American is this iron chaos of life-providing, death-dealing, value-distilling forces.

If the American works in a factory (or office) his dependence on the machine-world is plain enough. But let him be clever or fortunate, so that he comes to own the factory. It still enslaves him. The laborer feeds his particular machine eight hours, the owner feeds it without end. Laborer and employer, whatever their political or economic ration, feed the machine without end. The worker, after hours, procures his nurture, his news, his entertainment, by feeding other machines. His every purchase feeds the dominant mechanics of production. And the owner no less, since his scheming to “get on” and his leisure for recuperation and his consciousness of

“knowing how” revolve within the orbit of machine production, lives in this same contingent nature. His personal and political acts, even the worker’s move toward economic revolution, cling to the same orbit—are like the often frantic efforts of the savage to get food and shelter from an untransfigured jungle. There are no deep distinctions, no organic hierarchies in American life. It is hence no accident that millionaire and mill-hand read the Saturday Evening Post, that the Broadway playhouse reproduces the provincial movie, that the shop-girl of Paterson or Pueblo follows the styles of the Park Avenue hostess, that labor leader and social rebel merely invert the lingo and the standards of the magnate. One and all, humbly or grandiloquently, they survive adjusting to a nature which they possess no concepts for controlling. If their job is to turn a spindle or to run a corporation of gigantic spindles—or to stop the spindle—still they must adjust to it. And if their need is to laugh or to pray, to advance their position or improve their minds, still they must win their ends in conformity to the producing, spawning will of a machine.

Before we go deeper into this living process which relates the American with his machine, let it be clear why the machine is different from other concepts carried westward by the breaking Whole of Europe. The American jungle is rich in denatured elements of a transplanted world: it consists largely in those cultural deposits which justify our calling the “new world” the Grave of Europe. . . . We built our towns, our morals, our politics, our dogmas, our manners, our arts from the relics of a world that is no longer dynamically ours, and that was not America, and that is dying. Almost everything which popularly goes for “culture” in our land is of this order of relic. The “art” of our museums, the “literature” of our women’s clubs and magazines, the “rhetoric” of our statesmen, the “ideals” of our reformers, the “beauty” of our movies, the “problems” of our theaters, the “values” of our schools, the “rituals” of our churches—they are transplanted parts of a dead Whole. In that Whole which now no more contains us, they were valid. With us, within our world of the machine, they are irrelevant—mere rotted tissue of past worlds heaped on a jungle floor.

Far more than we suspect, we are like the Mayans who house their asses in priestly tombs. The design of an Attic temple makes a bank; the Gothic church façade fronts an apartment dwelling builded of steel girders; the imitation French chateau houses a packer of pork. The sacred strains of Bach become an afternoon’s amusement; the vision of Beethoven boosts a virtuoso. Ornament of Italian Renaissance jingles on the bosom of jazz. Altar-censers become ash-receivers. There is the same barbarous confusion when we revamp an ancient loyalty to God or King into a slogan for country, company or team; when we instruct our children

to dance to May-Day music having no village green nor a belief in May-Day. Or when, being plumbers and realtors, we form fraternities, having no brotherhood beyond that of wolves in a pack. Or when we join parties with antiquated standards. Or when we put ancient ethics into advertisements and modern movies into decrepit churches.

To summarize: our political ideals flourished a half-century and then decayed with such speed that the state whose theory once led the world is now with minor exceptions the most obsolete. Our English tradition of literature and thought flourished a little longer, persists palely even to this hour. The machine alone among these legacies prospered, grew at last to be the determining presence of our nature. The reason is that the machine alone is a positive expression of the personal will freed from the synthesis of Europe. Our religions, our arts, our ideals of equality and freedom were all *fragmented* expressions, not of the personal will, but of the Whole. As that Whole dissolved, they dissolved along. And as the personal atom was released, the machine which embodied it grew dominant. It only is a positive integer of the individual action and personal will which are the end of Europe's dissolution.

We have, then, these two elements within the infinite foliations of our jungle: (1) the deposits of our own cultural pasts, formal and ideal; and (2) the machine which, conceptually also a heritage from Europe, expresses, unlike the others, our own immediate personal desires. We may now dispense with further similitudes between our nature and the primitive jungle, between our neo-primitive state as men drenched with the effluvia of past culture and the bare primitivism of the savage; and come to the more significant distinctions.

The clue to ourselves is not the fact that we have motors instead of alligators: it is the *aggressiveness* of the elements of our world. The rotted culture beneath Yucatan is passive to the savage; our cultural remnants in church, in politics, in newsprint are active agents in the American soul. The nature of the Amazonian is indifferent: man can *depend* on his jungle, because, with the exception of a few known dangers among the plants and brutes, it lets him be, offering more opportunities for life than traps for death. The primitive jungle feeds man: we feed our jungle. We literally are *the hunted*.

The mechanics of our subjection has become a commonplace of critical writing. We know that what we read, hear, see, what we laugh at, what moves us, what we are taught to love, no less than what we eat and where we sleep, depends on the gravitational power of the machine. We know that since communication, from rail to radio, has become mechanics, the communicated things which make us mentally and in spirit are functions of the same mechanical process. We know that from the ma-

chine's need to expand has grown our ideology of persuasion, our hideous myth of "progress" as an external matter: that man's life is becoming more and more the pitiful rationale of the machine. But where the deep Marxian has failed as crucially as the romantic follower of Rousseau or Tolstoy is in establishing the reason under these mechanics.

We are the hunted, because this world of ours is the exteriorization of our own desire. Our nature is aggressive, because it is the embodied action of our aggressive will. We are subject to this jungle, we adore it and we feed it with our lives, because it is quite literally *ourselves*.

Imagine a man with a normal impulse. Now imagine this impulse grown maniacal. It is the same impulse, but it has exteriorized itself from the *whole* of the man's life as a social creative human being. Instead of moving along with other impulses within him, it declares its autonomy, then its hegemony over all the others, and admits the others merely as accessories to itself. This literally is the genesis of our mechanical jungle which is but the archetype of what, with the impeding fact of a more vital past, is coming to exist as well in Europe. In the break of the synthesis of Mediterranean Culture, man, as we have seen, was released from the Whole in which he had his share and which had expressed and engaged him.

Thus isolate, man reverted to the savagery which *spiritual* solitude in the world defines: for all his cat-like skill in tricking nature he was left alone with his anarchic "self," alone with the instincts of personal desire. This fragmentary "self" grew articulate through aggressive action, embodied the machine, broke from the loosened fabric of social Europe, set up a world of its own. The American pioneer is the symbol of the process; the American jungle, where the savage will has been unhindered in projecting a nature to house it and in arrogating to itself all the energies and loyalties of man, is the supreme example.

Our outer world is, then, the effect embodied of what has taken place in typical man released from the Synthesis of western Europe. The true seat of the jungle is within. The core of the *fact* in which we live is an *ideal* state.

To confront this chaos there are alternative ways. Since it is the creature of personal will, the almost compelling way is to meet it on terms of personal will: on terms of domination, possession and success, or (with the economists, pragmatists and revolutionists) on terms of mere redistribution. But this is to feed it the energy that made it, to perpetuate the chaos, to perpetuate *our* chaos: to move, ineluctably, toward the fulfillment of chaos which is death. For the other way there is no tradition in our life, no given method: yet by it alone shall we escape the mortal menace which confronts us. It is to confront ourselves.

WALDO FRANK.

Washington Notes

THE extent to which it is being made clear that the Republican nomination for President is a matter with which the Republican voters have nothing whatever to do ought to be interesting to the Republican voters, and to the people generally if they had gumption enough to grasp the fact, which none but the simple-minded think they have. To a more completely ridiculous extent than ever before in my memory, the fact is revealed that selection of Republican presidential candidates is wholly in the hands of some half a hundred or so of alleged political leaders scattered around in the states. The problem of the aspirant for nomination is not to create a favorable public sentiment, but to effect a combination of these so-called leaders and concentrate them behind him. There is nothing else to it but that. Public sentiment has nothing to do with it. Neither have the voters, and the blather about such things in the newspapers is the purest claptrap.

I am not referring only to the South, where the delegations of whole states depend upon a single individual—where, for example, if you get Creager you have Texas, where Street means Alabama, and the support of the astute and inoffensive Ben Davis is equivalent to a unanimous vote from Georgia. What I say applies also to the states where the Republican party is vibrant and dominant. Look at New York, or Pennsylvania, or Illinois, or New Jersey, or Ohio, or any other. No one need bother about public sentiment if he can get the right politicians. Public sentiment in matters of this sort is a nebulous, inert, flabby thing to which only an occasional thought is given; it is mildly effective only when an infrequent flash of intelligence causes a politician to look forward more than three months. No better illustration could be desired of the absence of the popular vote as a factor in the situation than the prompt concession by the forces of the preposterous Willis that in the coming Ohio primaries the Cleveland districts will be for Hoover solely because Maurice Maschke has lined up with the Efficiency Marvel. If Maschke had stuck to Willis, the Hoover managers would have conceded Cleveland just as promptly to this absurd friend of the discredited Daugherty and paid lecturer of the Anti-Saloon League. Could there be a better indication of the silliness of supposing the people have anything to do with the selection of presidential candidates, whether they live in states where presidential primaries are the rule or not?

In this connection, consider for a moment the candidacy of Herbert, the Efficiency Marvel. It is true there is a strong public sentiment in the country for him. More people, men and women—particularly women—want to see Herbert President, I believe, than want to see anyone else, now that the jolly Calvin has climbed up on the shelf among the jelly jars. But if he did not have behind him the well-nigh irresistible administration machine, the Hoover sentiment would not count for enough delegates to make him any more formidable as a candidate than he was in 1920. He had the public sentiment then, but nothing else. What, for example, does Ben Davis, of Georgia, care about public sentiment, or know about it? No, if

Herbert did not have behind him the federal job-holding machine and a bunch of extremely practical politicians who regard him as the best bet, he could have twice as much sentiment and not get anywhere at all. This may not be a very palatable fact for those who take democratic theories of popular government seriously, but it is none the less true. Moreover, I am prepared to report—and can substantiate the report if necessary—that Herbert has grasped this fundamental truth with characteristically adequate firmness. Some weeks ago, in this place, I intimated that Herbert, now that he had fully concentrated that capacious and thirsty mind of his on the subject of politics, was acquiring practical political knowledge with a speed and precision almost unprecedented. Before this campaign reaches the convention stage, I fear the theory that he is a poor politician will have to be discarded by those who oppose him. Even now there are persons not altogether inexperienced in political ways who are surprisedly beginning to admit that Herbert is good.

Take the present situation. Herbert is not bothering his head about the Hoover sentiment. He knows it is there. He knows that it has given him the publicity he needed. He knows the newspaper support and his Cabinet performances make him stand out as a strong man, well qualified for the presidency. He is, however, under no illusions at all that publicity, public sentiment or presidential qualifications, or any combination of these, are the things he needs to land this nomination. He is perfectly well aware that the essential thing is a sufficient number of Ben Davises, white and black, and while his publicity agents and journalistic supporters bubble over about his record, his ability, his character and achievements, Herbert has that cold eye of his glued right on the ball all the time. Behind that high screen of dignified aloofness erected around him by early guardians of his boom, he is hunting delegates, and hunting with a gun loaded with birdshot, not an atomizer full of perfumery. If any Ben Davises, white or black, get by Herbert, this time, it will be because his aim is poor, not because he does not shoot.

This is written before his reply to the Borah prohibition questionnaire is made public, and before the Ohio fight with the inflamed and feverish Willis reaches a really heated stage. I do not, however, believe that these will materially alter the situation, and I do not believe that after the prohibition reply much will be heard from Herbert in the way of speeches on any subject, prior to the convention. A few days ago a group of profound—or at least solemn—friends—or at least supporters—of Herbert here in Washington agreed among themselves that on the first ballot the Hoover vote will be approximately 460. They put it all down on paper and added it up. As things are, and speaking entirely without reference to public sentiment, there is reason to think this estimate, though friendly, is not over-optimistic. Of course, Herbert may slip on some political banana peel, or it may be discovered that, when he lived in China, or somewhere, he was guilty of some dastardly deed that would spoil his candidacy, or the threatened attack of the fevered Willis may prove deadly, or some other ridiculous thing may happen, but barring accidents, it looks to me now as if Herbert were

about a three to one bet against the field. It is no secret that this is the way he and his Washington managers, advisers, counselors and guides feel about it. Feeling that way, they take what appears to me to be the sensible view—to wit, that the less he now says on any subject, the better.

There is a somewhat insistent, though not concentrated demand that Herbert should declare himself on this, that and the other—on the World Court and the League of Nations, on agriculture, on disarmament, on foreign debts, and so on. When the source of these demands is examined, however, they appear to come almost exclusively from those who are opposed to the Hoover nomination and who are not actually seeking information at all, but really want to embarrass the good Herbert. And well the good Herbert knows this. It is a firm conviction in his mind and in the minds of those close to him that no delegate at Kansas City will vote for him because of anything he may now say on any subject. They argue that to be charged with being a pussy-footer and a dodger by politicians and sideline snipers who are against him anyhow won't hurt him. As evidence that Herbert thinks well of this advice, I cite his recent announcement made in the letter giving permission to enter his name in the Ohio primaries. The gist of the announcement was that he proposed to follow the "Coolidge policies." If that is not seeming to say something without saying anything, I do not know how else to describe it. Some day I am going to get hold of dear old Papa Stearns, take him to lunch at the new press club, pour some gin in his coffee while he says grace, and then ask him what are the "Coolidge policies." Somebody told me he knows.

Washington.

T. R. B.

Stravinsky's "Oedipus Rex"

OEDIPUS REX" is Igor Stravinsky's most recent composition. Jean Cocteau made a new version of the Sophocles drama which Stravinsky set as an operatorio in two acts for a speaker, solo voices, male chorus and orchestra. It was first performed last spring in Paris without stage action (as an oratorio) by the Russian Ballet. An audience which had come to be diverted by a spectacle and dancing was confronted with rows of singers in evening clothes who sang—none too well—an austere, choral composition which proved far from amusing. Little wonder, then, that "Oedipus Rex" was coldly received. People on all sides could be heard regretting the old, familiar Stravinsky of "Le Sacre" and deploring what seemed to be an illogical *volte-face* on the part of the composer.

It is undoubtedly true that Stravinsky is no longer the composer *à la mode* of a few years back. This is due largely to the disfavor with which his latest manner, inaptly termed a "return to Bach," has been received. The conservatives call it a perverse mockery of classical models, while the modernists are reluctant to exchange the pleasurable jolts of a primitive period for the sober intellectualism of the "Piano Concerto."

Superficially, it does seem as if Stravinsky, possessed by the restless spirit of the age, felt impelled to invent a new

style for each new work. Closer examination, however, reveals the complete unity of esthetic purpose in all his production, from "Petrushka" to "Oedipus Rex." Already, in "Le Sacre du Printemps," the primitive rites of an entire people are celebrated rather than the single tragedy of the puppet Petrushka. The subjective realism of that earlier ballet was, in "Le Sacre," tempered by a more impersonal spirit. Again, with "Les Noces," there is the expression of a more objective realism, while in the last pages of the "Symphony for Wind Instruments" the first signs of a complete break with realism become evident.

Thus, as Stravinsky progressed, he became more and more enamored of the objective element in his creative work, until, about 1920, with the "Octuor," he completely abandoned realism and espoused the cause of objectivism in music. This was no easy task he set himself. Music, more than any other art, has been profoundly influenced by the ideals of nineteenth-century romanticism. Even today the average musician confuses the term music with romantic music. It is easy for him to love and reverence the music of so-called classical composers like Bach and Palestrina. But it is another matter to admit that the impersonal attitude which these men took toward their art might be applied as a living principle to present-day music.

It is just such an attitude that Stravinsky wishes to revive. It is more than likely that he was partly influenced by the example of a neo-classic Picasso. The reader of Clive Bell or T. S. Eliot will here recognize a tendency which has already manifested itself in modern painting and contemporaneous literature. But in music, similar esthetic principles have not been alive for several centuries. With this in mind, perhaps we can better appreciate the revolutionary gesture of Stravinsky in returning to the impersonal ideals of the eighteenth century. In an article which appeared in *The Arts* for January, 1924, he clearly defined his stand. Although these remarks were made apropos of the "Octuor," they apply as well to "Oedipus Rex." He says, in part:

My "Octuor" is a musical object.

This object has a form, and that form is influenced by the musical matter with which it is composed.

The aim I sought in this "Octuor," which is also the aim I sought with the greatest energy in all my recent works, is to realize a musical composition through means which are emotive in themselves. These emotive means are manifested in the rendition by the heterogeneous play of movements and volumes.

This play of movements and volumes that puts into action the musical text constitutes the impelling force of the composition and determines its form.

I turn to form because I do not conceive nor feel the true emotive force except under coordinated musical sensations.

This sort of music has no other aim than to be sufficient in itself. In general, I consider that music is only able to solve musical problems; and neither the literary nor the picturesque can be in music of any real interest. The play of musical elements is the thing.

I must say that I follow in my art an instinctive logic, and that I do not formulate its theory in any other way than *ex post facto*.

With "Oedipus Rex," Stravinsky applied the objective theory to the dramatic form. His whole-hearted acceptance of tradition in this work is amazing; from every aspect—subject, form, action, rhythm, melody, etc.—he fearlessly started from the most banal premises. As subject-matter he chose the universally known tragedy of King Oedipus. This was cast into the out-moded and restricted form of the opera-oratorio as practised by Handel. The action of the opera remains static; in this manner the listener gets no dramatic surprises: the singers comment *a fait accompli*. The text of the opera was translated from the French of Cocteau into Latin, so that a dead language might keep the listener's attention directed solely toward tonal values.

From a purely musical standpoint, "Oedipus Rex" is externally made up of elements no less banal. Stravinsky, the master of rhythmical complexities, has been content to express dynamic intensity by the simplest means—ordinary three-four, four-four rhythms. Harmonically, also, there is marked restraint. After a welter of atonalisms and polytonalisms, Stravinsky proposes a kind of unital music in which there is almost no modulation, and where for entire pages the harmony rests on a single major or minor triad. The melodic line likewise remains close to classical models. Creon sings "*Respondit deus*" to the barest of progressions: a descending do-sol-mi-do-do. Old formulas are brought to life in the general construction; thus, Jocasta's solo is preceded by the usual recitative and is followed by the conventional air—lento, allegro, lento. Contrapuntally, as Arthur Lourié has pointed out, Stravinsky has emulated Handel in that the counterpoint is a resultant of the underlying harmonic structure rather than a determinant of the harmony, as in the case of Bach. Stravinsky's orchestration, likewise, shows admirable restraint. Although only the customary instruments are employed, the prevailing *timbre* is hardly less new-sounding than that derived from the special orchestration—four pianos and percussion—of "Les Noces."

To cope successfully with so many self-imposed limitations one must have the personality of a Stravinsky. Yet it is not alone as a *tour de force* that "Oedipus Rex" is remarkable. Its purely musical qualities far outshadow its triumph over traditional means. The opening and closing pages of choral writing are magnificent. They have an elemental force—a solidity and sobriety that Stravinsky himself has seldom achieved. There is nothing clever or ironic in this music. The broad majestic lines upon which the score has been conceived bring a new note into modern music. Such arias as that of Tiresias in the first act, or the long solo of Jocasta with which the second act begins, are profoundly human. Very characteristic of the new Stravinsky are the crystalline trumpet calls which ring out at the appearance of the Messenger and the exciting chorus which immediately follows. All the music, in its stark simplicity, its hard, clear contours, its unsentimentality, its non-pathetic sense of tragedy, is essentially Greek in feeling.

"Oedipus Rex" is not without its disturbing factors. The traditional elements seem to have been culled from unnecessarily eclectic sources. One can discover the most diverse backgrounds: Russian, Italian, German. There are also occasional lapses into an earlier manner, as in the

Shepherd's song, or moments such as the Oedipus solo which follows, when the composer's consciousness of his theory seems stronger than his musical invention.

These faults, however, cannot detract from the beauty of the music as a whole, nor from its value as an example of the new impersonal approach to music. As such it is certain to exert a considerable influence on the younger generation. Other composers must interpret the new ideals according to their own lights. Later, the neo-classic movement in music may be tempered by some compromise with romanticism. The ideals of the present day have been well formulated by the young American composer, Roger Sessions. In a recent article in *Modern Music* he says:

Younger men are dreaming of an entirely different kind of music—a music which derives its power from forms beautiful and significant by virtue of inherent musical weight rather than intensity of utterance; a music whose impersonality and self-sufficiency preclude the exotic; which takes its impulse from the realities of a passionate logic; which, in the authentic freshness of its moods, is the reverse of ironic and, in its very aloofness from the concrete preoccupations of life, strives rather to contribute form, design, a vision of order and harmony.

AARON COPLAND.

The Laurels All Are Cut

We'll to the woods no more, for now
The winter of delight is here:
Earth's stony as the fabled moon,
The sky looks lean and withering soon,
Rains cannot warm the damned bough
Where sits the gutter chanticler.

There was a season when we walked
In meadows that were dim with blue
And violet life our sharp heels bruised.
The ground kept what the heavens refused
Of color, and a tall wind stalked
Beside us, gathering handfuls, too.

And when the blue was lost there came
A scattered scarlet in its stead.
The grass grew staunchly round each nest
Where sun-fed berries, breast to breast,
Nestled as bright as tropic flame,
And we drank honey where they bled.

These gone, there was a month as bright
As dreams of India to the West
Before the land of gold was snared.
The field lay still, its russet-haired
Warm pelt stroked smooth by drowsy light,
Till the sun slept, and dark was best.

We'll to the woods no more, for now
The winter of delight is here.
But in our blood the summer cries
Compassion on the bird that dies
And leaves no ghost upon the bough
To chill with song the sluggish year.

BABETTE DEUTSCH.

A New York Diary

SMILING indulgently at their childishness, Beatrice Lillie is once more feeding her audiences with the celestial foolishness they require of her, and without this "She's My Baby" would doubtless fall flatter than a forsaken popover. Money has been saved on the production. The chorus rests, and the Tiller girls do the work; Royce's scenic inspirations feel a stiff check-rein save for one blue garden-party picture under the moon and the flowering horse-chestnuts; the book required more memory than imagination; the cast, in general, should have been inexpensive. Yet it is not quite all Lillie. Clifton Webb is a polished comedian and a beautiful dancer, equal to a better part. Nick Long, Jr., in a grotesque Negro mask, does as fast a piece of hot stepping as one may see in Harlem. The stately Joan Clement, as a showgirl in the play within a play, draws on her considerable experience of showgirls to contribute a few moments of realism. The score is by Hart and Rogers, and for all that the former rhymes "Gigli" with "sincerely," he should have written the show. Now that the mad humors of "Whoopsie" have been dropped from the program, the best remaining songs are "You Are What I Need," which is very good, and "A Little House in Soho."

"Rosalie," an excellent show, runs more to splendor than to beauty in spite of its Fokine ballet, wherein Urban again achieves that light on white shoulders and chiffon which Alma-Tadema gave to his marble and twilight snow. Uniforms, scarlet and gold, gray uniforms with white cross-bands, the mythical Ex-Kings' Club and more uniforms; marches and countermarches, the whole chorus (male and female) marching as cadets before the ramparts of West Point to empty but resounding Romberg tunes. The book is a mosaic of press clippings, flowering under incubation. A Lindbergh who is also a cadet on leave, and who says "After all, there's no place like the old Point," makes a landing in Romanza and falls in love with the Princess Ileana, here called Rosalie. The royal family visits America—and the old Point—and for all the opposition of the masterful queen, the lovers have their way. Marilyn Miller as Rosalie brings her wide assortment of exquisite dances, and a new voice: it was a light soprano, it is a full mezzo, and in one Gershwin tune ("Oh, Gee! Oh, Joy!") it becomes that of a budding blues-singer. Bobbe Arnst is an agreeable surprise. She has dropped Gertrude Lawrence mannerisms and become an individual, delicately hard-boiled and thoroughly Americanized comedian, and a notable putter-over of songs. One complaint of Miss Arnst: her semi-conversational technique and her useful, but unbeautiful voice obscure the real beauty of Gershwin's "How Long Has This Been Going On?" This and the same composer's "Say So" should be the outstanding musical numbers, although his slangy "N. Y. Serenade" might well be printed, and one might mention Romberg's characteristic waltz "Kingdom of Dreams." But the solid foundation of the evening is the work of the tall, sober clown, Jack Donahue. Frank Morgan, as the philogynic King of Romanza, gives a perfect performance of the part assigned to him, but Donahue makes the most of a well-

nigh perfect part, and one of such length as to keep him almost continuously on the stage, to the great profit and comfort of the audience.

When Mr. Marshall once said that what the country really needs was a good five-cent cigar, he forgot to mention another need equally great—and that is for a good Virginia cigarette. The solons of the cigarette industry, with that remarkable enterprise and sagacity that marks American business, have put at least six cheap brands of cigarettes on the market, with nothing to distinguish them save the color of the package and the mendacity of their advertisements. The cigarettes that are sold as Virginias in America are unspeakably bad; and they have brought Virginia tobacco into its current disrepute. If one wants undoctored Virginia tobacco, one must smoke imported English cigarettes. When one of the established English brands was put on the market the other day—incidentally, not one of the best—I had hopes that a decent Virginia cigarette would at last be available at a low price. One puff of the cigarette left me bitterly disappointed; it was the same old artificially sweetened blend, that has a dozen names and only one taste. All that had been put on the market was another new package and, for America, a new name: the English formula had been "adapted to the American taste." When will an American manufacturer have the sense to put a good Virginia cigarette on the market? It would not be necessary to protest so suspiciously about the Virginia's not irritating the throat; for a mild Virginia is as easy on the membranes as the mildest of Egyptian tobaccos.

Winter among the Days

O flavorless white hour
That like a drift of snow
Has cold tongues to devour
The warmth of mind we know,
How shall man take his rest
Between your surfaces?
Blood goes thin in the breast
And pride is on its knees.
He must lie, taking tally,
On an unfriendly bed,
Of days continually
Leaping with hoof and head,
Falling with many a bleat
Back to their level flock
As if their heart-shaped feet
Could shake the iron rock.
This winter-crackled doze
Watching ram after ewe
Is all the sleep man knows,
The sleep that must renew
The mind which like a hand
Holds the mere body hung
Upon another land
Older than this, yet young.

RAYMOND HOLDEN.

C O R R E S P O N D E N C E

The Workmen's Compensation Law

SIR: Isn't it too bad that, in every good thing coming to working people, there should be so often a fly in the ointment?

Take, for instance, the Workmen's Compensation Law, which protects workers if they become injured while working. But see how this good law works against workers seeking employment, when they happen to be forty years old or over.

On account of this law, employers are afraid of taking a risk hiring them for physical reasons. (I know the game, having been an industrial physician, also a personal director.)

Now, this is a medical problem; but, as physicians have to eat to live and have families to support, also, bills to pay, like other human beings, they can't afford to do for these unfortunates what they would like to.

There is only one solution to this problem. State medicine, as "sickness is becoming a financial disaster to thousands of people of moderate means, from which it may take them years to recover, on account of the ever increasing burden of expense in keeping well."

Inmates of insane hospitals, inmates of feeble-minded schools, have yearly physical examinations, which is the secret of their long lives; as these people often outlive their immediate families.

If the State gives these unfortunates such splendid free medical attention, why not give this same free medical care to normal people, who cannot afford the actual cost of scientific examinations?

A newspaper writer warns us that a "serious industrial and sociological crisis is threatened, when a whole nation can be junked on account of the *age limit* of forty."

The whole world has gone crazy over the idea that "Youth must be served." This concentration on youth alone is a serious mistake, for every man no longer young desires to live long, and does not care to be sick and thrown on the dump-heap.

Los Angeles, California.

ALICE S. CUTLER, M. D.

Who Shall Rebuild Fall River?

SIR: The recent terrible fire in Fall River, Massachusetts, one of "the ghost cities" of troubled New England, brought forth a remarkable commentary from Mgr. James E. Cassidy of St. Patrick's Church, Fall River, on an attitude which he feels is prevalent in this textile region and is responsible for its retrogression. Following is an excerpt from the speech of this Catholic father at Knights of Columbus Hall as reported by the Boston Post, February 6:

No propaganda, press, public or private, shall this time deceive us. This conflagration, dire though be its destruction and deeply to be regretted, shall not be used, if I can prevent it, to throw off a smoke screen to obscure from the public the real issue.

The forces that are undermining public confidence in this city's future are neither fire nor flame nor falling walls. The future of this city, of its prosperity and its well-being hangs on no cleaning up of an ash heap; no, not even on the salvaging of mill stocks and bonds from buried bank vaults.

The future of this city depends upon the willingness of capable cotton manufacturers to pay their employees, men, women and children, a living wage. . . .

What this city needs is not so much reconstruction and beautifying along bankers' and brokers' row. What is needed is restoration of wages to the operative, refilling of his dinner pail, refurbishing of his home. . . .

As the unofficial spokesman of three-quarters of the city's populace, I plead with you to recommend: Restoration to the operative of the recent 10 percent reduction in wages.

Last week the mill owners announced that they could not restore the wage reduction. Thus does prosperity flaunt itself in the stalwart Coolidge districts.

Boston, Massachusetts.

GARDNER JACKSON.

Hardy's "Plagiarism"

SIR: The recent death of Thomas Hardy and the press comments, eulogistic and otherwise, upon his life and talents, bring to mind an interesting fact, the details of which were written many years ago by Judge Richard H. Clark, a distinguished jurist of Georgia, who has himself long since been gathered to his fathers.

In "The Trumpet Major," Hardy gives a humorous account of a militia drill in rural England during the time of the Emperor Napoleon, and when there was some apprehension of invasion. . . .

The sketch was beyond question an adaptation, indeed it might be said to be an almost literal lifting, of a passage in "The Georgia Scenes" representing a militia drill in Georgia, and of which it was undoubtedly an historically accurate picture. Comparison of the two leaves no room for doubt that one was taken from the other. "The Georgia Scenes" was printed by the Harpers many years ago. It was out of print for a long time, but was reprinted with the original engravings some thirty or forty years ago, and is now out of print again. Judge Longstreet, the author, came to be president of the South Carolina College, and thought the book out of keeping with his new dignity, and, for that reason, sought to suppress it, but there are many copies of it extant.

Judge Longstreet himself adapted this particular sketch from another, and so states in a footnote in the book, though he does not give the name of the author. Judge Clark informs us that the date of the actual incident was 1820, and says that the older generation of Georgians knew the real author to have been Oliver Prince. . . .

Criticism of Hardy for plagiarism is not intended here. Indeed, perhaps none is warranted. For an author to appropriate a fugitive sketch from an obscure publication and work it into a story where it fits hardly calls for condemnation as plagiarism. From Shakespeare down, nearly all authors have made similar adaptations. Possibly, however, the occasion makes it appropriate to call attention to a literary incident that is not wholly uninteresting, and to a humorous book of literary as well as historical value.

Atlanta, Georgia.

HOOPER ALEXANDER.

Can Europe Cast the First Stone?

SIR: I am not one of the self-styled "100 percent Americans" who think that the United States is superior in all things to all other countries. I find much to admire in other countries. I find many things done better in France than at home. I find many things about English life preferable to life in America. The freedom of social life on this side of the water appeals to me: the lack of sumptuary laws and the liberty of individual action. I prefer the more leisurely pace: the absence of rush and noise. I like the courtesy of the French, their willingness to take time to be polite. Yet, when I read an article like Harold Laski's "American Scene," I become rampantly American.

From my own observations of Europe I find little to choose between the aims and ideals of Europeans and Americans. I see the same materialism, the same search for pleasure, the same desire to acquire money and the things it buys, the same indifference to public affairs, the same preoccupation with what concerns themselves, on both sides of the water.

I have spent the last three months on the Riviera. Perhaps it is not fair to take Europe's pleasure-ground as a criterion of all Europeans. The group one meets here is a selected one in search of health, rest and recreation. Nevertheless, it is representative of the best socially, educationally and financially, and even though on holiday, one might expect to find among them intelligent interest in and discussion of world problems and high ideals of political and business morality.

How do these people spend the many months they stay in these beautiful winter resorts? Do they ever discuss politics, or science, literature, economics, or world affairs in general? In my three

months' sojourn I have never heard anyone, man or woman, show the slightest interest in anything but amusement. I have tried to get some expression of opinion regarding such matters as Admiral Plunkett's recent wild utterances, the Nicaraguan situation, the proposed Franco-American pact. Apparently nobody knows or cares anything about them. I find much more interest and knowledge of foreign affairs in the United States than people here have in American affairs. They know, or pretend to know, nothing about us, and apparently don't want to know anything about us. I was talking to a seemingly intelligent Englishman the other day who did not know the name of our President, what party he belonged to or for how long he was elected.

Where are those noble ideals we are told to emulate? The people here spend their time, Sundays as well as week-days, in gambling, drinking, horse-racing, yachting, sports. The baccarat tables are thronged night and day with men and their women companions, the latter arrayed gorgeously, bejewelled and bedizened with make-up, and betting as much as 20,000 francs at a clip. The whole town, the government, the merchants, the hotel-keepers, unite to provide pleasure and luxuries for their guests, and, incidentally, coin money from the exorbitant prices they charge during the season. They are doing just exactly what smart, up-and-doing Yankees would do in their places, and consider themselves progressive and enterprising. I don't criticize it, but why talk of "material" America? Why prate of our "spiritual poverty" as if it were confined to us?

I grant that our materialism is more blatant than it is here, mainly because our prosperity is more widespread. It has gone to our heads, and our youthful enthusiasm over our recently acquired prestige in the world has made us a bit ebullient.

Mr. Laski says that no one in the United States is indignant with political corruption—a rather startling statement, and it seems to me a most unjust one. The corruption of the Harding administration has surely been almost universally condemned, and many of the culprits brought to trial and punished. I heard Emory Buckner's denunciation of former Attorney General Daugherty and ex-Alien Property Custodian Miller, and do not believe that the moral indignation he expressed was assumed. Forbes, Sinclair, Fall, *et al*, have all been condemned, and few have had the nerve to defend them, though there are fellow sinners who may secretly sympathize with them.

Mr. Laski also says that "no one is alert for new theories of government or interested in schemes of social innovation." What an extraordinary remark! Has he never heard of the National Municipal League, the Civil Service Reform League, the League of Women Voters, the innumerable citizens' unions all over the country? Has he never read the excellent books on political reforms by Professor Charles E. Merriam and others?

Mr. Laski speaks of American "complacency and condescension," but where does one find these qualities more marked than in the English, who give themselves an air of superiority the world over? Not that I mind it. Pride of race and achievement is not an unworthy sentiment.

As for the spirit of "common fellowship," the lack of which Mr. Laski deplors with us, where is it found more than in the good old U. S. A.? Where is there such generosity, such ready response to appeals of every kind? Colleges, hospitals, the marvelous scientific work of the Rockefeller Institute, how could they exist without the generous gifts of our millionaires, who, though they may spend their earlier years in acquiring fortunes, often spend the later ones in giving them away?

Cannes, France.

HARRIOT T. COOKE.

Injunctions in Labor Disputes

SIR: In your discussion of the Shipstead anti-injunction bill (February 1 issue) you say:

A court could, under it, enjoin a union from acts of violence to person or plant, but could not forbid it from carrying on a strike merely because it interfered with the employer's business.

The Bill states that "equity courts shall have jurisdiction to protect property where there is no remedy at law."

Has an employer no remedy at law to protect himself and his property against acts of violence?

You also say: "The new bill defines property which may be protected by the injunctive process as tangible property only."

You have overlooked the very important word "transferable" in this definition, as the bill provides: "Nothing shall be held to be property unless it is tangible and transferable."

You intimate that the Shipstead bill will be declared unconstitutional. On what grounds?

Former anti-injunction bills acknowledged the court's jurisdiction, but pleaded with them to use their power humanely. This bill takes jurisdiction from the courts and gives the equity process the status it had when it was taken from England—to be used only where the plaintiff has no remedy at law, and that it shall not be used in personal relations.

In the McCardie case, 1868, Congress took jurisdiction from the United States Supreme Court to protect the Reconstruction laws, and last year, in the Portland postmaster case, the United States Supreme Court acknowledged that Congress can define the jurisdiction of inferior federal courts.

Washington, D. C.

JAMES P. EGAN.

[If the Shipstead anti-injunction bill should be passed, and should prove to be effective, no one would be more pleased than we. Nevertheless, we feel constrained to point out (1) that courts have frequently issued injunctions to protect persons and tangible property in industrial disputes although the police exist, and the bill contains nothing to prevent this practice; (2) that the courts might hold that a provision against injunctive relief from interference with intangible property rights was a violation of the Constitution; (3) that unless the courts can be educated to the public inadvisability of injunctions in labor disputes, they are likely to nullify any law by interpretation.—THE EDITORS.]

Electric Power in Wonderland

SIR: Apropos of the Power Trust, a matter to which the attention of the nation has been called through the Walsh resolution, perhaps the following data may be of interest to your readers.

Mr. A. lives in Michigan and Mr. B. lives in Ontario, a little over one hundred miles distant. Both live in houses of practically the same size and design. Both use hydro-electric power for lighting and various other purposes about their respective houses. Mr. A. buys his electric current from a private concern, while Mr. B. buys his from the Public Utilities Commission of Ontario.

For the month of November, 1927, Mr. A.'s consumption of electricity in k.w.h. was 92, for which he paid \$6.90, while Mr. B.'s for the same period was 218 k.w.h. at a cost of \$3.42. Mr. B.'s receipt states plainly on its face the charge per k.w.h., while on the reverse side of Mr. A.'s receipt is a mathematical problem which is beyond the comprehension of the average person. Mr. B., because of the low cost of current, can afford to have more electrical appliances than Mr. A.; for instance, he has an electric range in the kitchen, an electric grate, and water heater for the laundry and bathrooms. Mr. A. feels that he cannot afford all these electric appliances, so uses instead a gas range and gas heaters for both bath and laundry purposes. The cost of gas for the month of November was \$4; this amount, added to the \$6.90 which he paid for electricity, as above stated, makes \$10.90 that Mr. A. paid, as against \$3.42 paid by Mr. B. for practically the same domestic service. Mr. A. uses gas instead of electricity, as stated, because it is cheaper, but, unfortunately, he is obliged to buy the gas from the same company.

In summing up, Mr. A. uses less than one-half as much electric current as Mr. B. and pays twice as much for it, and, if Mr. A. uses electric current altogether in the same manner that Mr. B. does, he would pay over three times as much for it. It is safe to say that a service for which Mr. B. pays \$36 a year costs Mr. A. \$120 a year, and Mr. A. is inclined to wonder whether an imaginary line in the middle of the St. Clair River has anything to do with the situation.

Saginaw, Michigan.

EARL WILSON.

Disraeli and Gladstone

Disraeli, by André Maurois. New York: D. Appleton and Company. 379 pages. \$3.

W. E. Gladstone, by Osbert Burdett. Boston: Houghton Mifflin Company. 307 pages. \$4.

THE duel between Gladstone and Disraeli began on an evening in 1835 when the two young men met at Lord Lyndhurst's table: the former a Tory, secure in a seat in the House of Commons provided for him by the Duke of Newcastle and already at twenty-six an under-secretary of state; the latter, half-Tory, half-radical, twice defeated for Parliament and destined to a third repulse before entering the field of their historic rivalry. At first members of the same party, Gladstone had for a time the better, as a trusted lieutenant of Sir Robert Peel, while Disraeli was driven to organize a bloc of malcontents under the banner of Young England. When, after Peel's attack on the Corn Laws, Disraeli became the leader of a majority of the Tory party, he had the advantage of regularity, and on coming into power was able to make a generous offer for Gladstone's support. If Gladstone had accepted, the Tories would have had a double command, like the Whigs under Palmerston and Russell, Disraeli devoting himself to foreign affairs and the Empire, Gladstone to domestic reform and Ireland. Perhaps the alliance would not have lasted, though, remembering Disraeli's uncanny power of making himself agreeable to incompatible and originally hostile political bed-fellows—Bentinck, Derby, Salisbury—one cannot be sure. Gladstone's refusal made him the leader of the Liberals, and for fifteen years gave to English party politics the dramatic aspect of a personal duel—which perennial youth won against congenital old age.

The rivalry has been kept alive in the aftermath of biography. Here for a time also Gladstone had the advantage. He had made preparations. He left more than a quarter-million papers to the perusal of John Morley, whose three volumes easily took first place among official biographical monuments. But in due time Messrs. Money-penny and Buckle overtopped him with six on Disraeli. These were a richer quarry than Morley's "Life," and within the last few years Messrs. Raymond, Murray and M. Maurois have drawn upon it to add, from their several points of view, modern interpretative biographies of distinction. Gladstone's single biographical by-product, the "Life" by Mr. Herbert Paul, is a poor counterpoise; but now Mr. Osbert Burdett appears, simultaneously with M. Maurois, to restore the balance. The rivalry of the two protagonists in life was undoubtedly a gain to both. They sharpened their steel for each other. They were thrown into the brilliant relief of personal combat for their public. And this rivalry is equally an advantage to their biographers. It gives to the story a strong interest of plot, and supplies a ready theme for comment in interpretation of character, both personal and national. M. Maurois and Mr. Burdett are fully aware of the opportunities, and profit by them in different ways, and according to their different methods.

M. Maurois' "Disraeli" shows, like his "Ariel," a genius for simplification. He eliminates the complications of party politics and parliamentary intrigue, on which Disraeli loved to dwell in his political novels, and telescopes Disraeli's parliamentary career so skillfully that a dozen years, including his second term of office, are omitted without a shock of transition. The picture of the Victorian Age, promised in the sub-title, must be glimpsed through the

windows of the rapidly moving narrative, and the interpretation of the hero must be read in his acts. One phase of Disraeli's development emerges most clearly. As a youth his vaulting ambition was always overleaping itself. At twenty he was engaging in speculations in the market for South American shares, which he combined with a great plan for a Tory daily newspaper. He secured the support of John Murray, Sir Walter Scott and Lockhart, only to have the project melt away with the value of his securities. His first novel, "Vivian Grey," showed similar impetuosity. He rushed his fences in his efforts to enter Parliament. Once there, his impatience to speak brought him to grief. When the Tories came into power after he had been a member only four years, he wrote to Peel, candidly setting forth his claims to office, and brought down a rebuff from that haughty statesman. The lesson of patience he learned in the twenty-five years of defeat, broken only by three brief seasons of power which he owed to divisions in the opposing ranks. During that time he wore down the distrust of the country and of his party, the active dislike of his colleagues, Derby and Salisbury, and of the Queen. His perfect technique was shown when Gladstone was rousing the country over the Bulgarian atrocities. Two years later the same crowds were breaking Gladstone's windows, and greeting Disraeli's return from the Congress of Berlin with an ovation such as had not been known since Wellington came back from Waterloo.

In his simplification, M. Maurois sponges out most of the minor characters, the Japers and Tadpoles. Of Sir Robert Peel, Sir George Bentinck and the Earl of Derby, there are life-like sketches, and of the women, to whom Disraeli, even to his last, was Endymion—his sister Sarah, Mrs. Norton and her sisters, Lady Chesterfield and Lady Bradford, above all his wife and his queen. His relations with the two last are treated with that sympathy shot with irony which M. Maurois exhibited so beautifully in "Ariel." Both contributed to Disraeli's lesson of patience. In regard to each Disraeli must have felt the satisfaction of the artist producing masterpieces in human relations—and like all great works of art they were sincere. If his sense of dignity was sometimes injured by Mrs. Disraeli's indiscretions, of which M. Maurois gives some memorable examples, he may have reflected that their domestic intimacy and homely candor were exactly the qualities needed to relieve his own studied expression of the remote and exotic.

Mr. Osbert Burdett's "Gladstone" is a more labored work—but not less skillful—than M. Maurois'. This is inevitable, since he works through exposition rather than narrative, and makes himself fully responsible for the interpretation. The key to this he finds in a note in Gladstone's diary while at Christ Church: "O, for a light from on high! I have no power, none to discern a right path for myself." In this flash of self-criticism the motivation of Gladstone's career for Mr. Burdett becomes clear. In the absence of inner light Gladstone took his guidance from without. *Vox populi* literally became *vox dei*. "His ideas invariably came from other people. He originated nothing but his own native energy, and his responsiveness to popular suggestion became ultimately a reflex action, a sixth sense. . . . His energy, in fact, served him better than inner light serves far more intellectual men, for, unlike intellect, it does not know doubt or hesitation. It survives its mistakes. Its only law is to go forward. Like life itself it has no end, but to live more abundantly." He met harsher criticism than other statesmen because of

his evangelical habit of claiming divine assent for whatever he proposed. "He claimed it so often and so regularly because he desired to have it, as other men have claimed a divine parent or else a very remote ancestry because they have thought it would be very nice if it were true." This sense of divine will guiding his own energy saved Gladstone from the internal wear and tear which his numerous inconsistencies would else have inflicted upon him; but the necessity of saving his face before the public was always present. "His life was one long public apology, and this is why he gathered suspicion throughout his long career." But in the large his sense of the changing currents in public opinion was trustworthy. His energy carried him beyond the walls of Parliament. Especially after he had retired from the leadership of his party in the House of Commons he was impelled to launch a great national campaign against the Turks, and his career took on new splendor. In the light of his triumphs, with audiences running to twenty thousand and more, his enthralling expositions of budgets in the House of Commons paled. The need of immediate public recognition grew upon him and he gained it in ampler measure. He became the idealized image of the middle class. "There was no reason in the nature of things, save that he was pre-eminent in qualities common to the whole middle class, why each man among them should not achieve similar eminence. . . . The bare sight of him was a flattery to his audience, for he was the realization of all that they held in esteem, the living proof that their ideal was not only majestic but obtainable."

With this exegesis Mr. Burdett finds little difficulty in piloting us through the tortuous channel of Gladstone's political career. It should not be gathered that his judgment, though severe, is condemnation. He devotes a third of his volume to the last phase of Gladstone's life, when, over seventy years old, he resumed the leadership which he had resigned, with the premiership, and embarked on a new sea of troubles, South Africa, Arabi Pasha and Egypt, the Sudan and Gordon, Russia in China, and greatest of all, Ireland and Parnell. Home Rule for Ireland Mr. Burdett considers the highest test of Gladstone's character. It was a concrete proposition to be worked out by practical methods, in which Gladstone excelled. Here the *vox dei* was some years ahead of the *vox populi*, and Gladstone was not disobedient to it.

The relations of Gladstone and Disraeli necessarily take an important place in both biographies. They were opposite poles in the political firmament. As M. Maurois says, "Each misread the other . . . Disraeli the doctrinaire prided himself on being an opportunist; Gladstone, the opportunist, prided himself on being a doctrinaire; Disraeli affected to despise reason, but reasoned well; Gladstone, who believed himself a reasoner, acted only through passion." To Disraeli, Gladstone's unction was hypocrisy; to Gladstone, Disraeli's cynicism was falsehood. In the end they hated each other. Disraeli wrote of Gladstone as an "unprincipled maniac . . . an extraordinary mixture of envy, vindictiveness, hypocrisy and superstition . . . never a gentleman." Sir Algernon West heard Gladstone say, "Damn Disraeli." Once only the curtain between them was raised; when the Countess of Beaconsfield died, Gladstone wrote reminding Disraeli that they had been married in the same year and had both enjoyed "a price-less boon through a third of a century." For a moment the two rivals stood together on the rock of the human affections.

ROBERT MORSS LOVETT.

Satire without Snobbery

The Great American Band-Wagon: A Study of Exaggerations, by Charles Merz. New York: The John Day Company. 263 pages. \$3.

HAVING worked for many years in close personal association with the author of this book, I am so much prejudiced that if I did not like it, I should not write about it. But since I do like it very much, there is no good reason why I should not say so.

Most of this book I have read twice: once as separate essays and now as a book. I was amused by the essay and I was moved by the book. Each essay by itself seems no more than a bit of light-hearted clowning over some one of the many superficial foibles of American life. But cumulatively, the effect is quite different. The bright little bits make a pathetic pattern in which one can read the bewilderment of a people that has lost its traditions, its standards, and its sense of the meaning and purpose of existence. There is no effort to build up such an effect. But it is achieved, as in a picture by Charlie Chaplin through a series of grotesques that at last are closer to tears than to laughter.

"The Great American Band-Wagon" consists of seventeen comic pieces on the interests which occupy the leisure of the most prosperous people in human history. Here, says Mr. Merz, is a nation which has conquered the wilderness and achieved a very large measure of economic security. And these are the things which it does with its freedom and its well distributed wealth, and its considerable spare time. Here is the cult of the motor car, the secret society, the radio, the soft drink, the ballyhooed murder trial, golf, self-improvement, exotic house-building, bathing beauties and one-piece bathing suits, European travel, the movie propaganda, prize-fights, headline heroes. With the industriousness of an encyclopedist, Mr. Merz has compiled his Americana until you do not know whether to laugh or shriek or cry at the pitiable absurdity of the whole picture. He makes you feel that it is very funny, and also that it is rather sad that it is so funny.

The same material might easily have been handled savagely and with superiority. But that is not Mr. Merz's method because it is not his temper. He is distinguished most sharply, I think, from others who are satirizing the American scene by a kind of disinterested sympathy with human beings. Somehow he manages never to deny the ultimate dignity of the people who make such terrific fools of themselves. They may be aimless, and stupid in their tastes, and rather preposterous, but they are never contemptible. At bottom they are bewildered at this strange life, and homesick for they know not what, and they are treated with a kind of tender consideration and courteous exaggeration. It is the difference between saying, "You God-forsaken moron of a Babbitt," and saying, "You sweet old damned fool."

It is this absence of contemptuousness, this lack of personal grudge and irritation, this avoidance of any sense of personal revolt, which accounts, I think, for the book's power to make you want to understand rather than to dismiss the American culture which it describes. Oftener than not in our contemporary satire the only possible conclusion is that the author ought to take ship and hire a villa on the Riviera. America is too hateful to be endured. Now Mr. Merz is quite as sensitive and quite as clear-eyed as the most high-hatted of the satirists. But he is not by the remotest implication an expatriate. He has no

disposition to get away from it all. On the contrary, he is imperturbably at home among these Americans, and with all his sophistication, with all his capacity to see them humorously, he is without the corrosive conviction that he is alien to them. WALTER LIPPMANN.

Stage Decoration

Stage Decoration, by Sheldon Cheney. John Day Company. New York: 250 plates. 138 pages. \$10.

IN the years that lay between 1915 and 1920 there arrived from Europe a combination of forces and influences that were to heighten and forward the whole movement and use of decoration in our American theater. Granville Barker brought over his production with decorations by Norman Wilkinson and Albert Rutherston, fruits of the influence of Gordon Craig, Appia and Reinhardt; Reinhardt brought his production of "Sumurun"; Mr. Robert Edmond Jones returned from his study abroad with Reinhardt; Mr. Sam Hume returned from his study with Gordon Craig; and Mr. Joseph Urban came from Vienna with his decorations for the Boston opera. The wide response to such talents, theories and enterprises as these names suggest, could be seen, not only in the professional theater, but also in those places that were more than ready for these new voices, the college organizations, the Little Theaters, and the amateur groups here and there over the country.

In discussions and theories of the theater art, the subject of décor now came to take the first place. And following that interval there have appeared during the last seven years a number of brilliant instances in stage design, of which the "Macbeth" of Mr. Robert Edmond Jones and Mr. Norman-Bel Geddes' Dante Model and his model for "The Mother of Christ" stand easily first. Of these two examples, the "Macbeth" was less revolutionary in that it, for all its departure in style, remained within the picture-frame stage, but it was a new and dazzling spiritual flight for all that. The Geddes designs involved the entire theatrical, or at least stage, structure.

Otherwise, apart from these two names, our theatrical progress can boast of admirable designers and craftsmen in Mr. Lee Simonson, Mr. Frederick Jones, Mr. Ernest de Weerth, Mr. Donald Oenslager and others. But in general the change has not been so basic or fundamental as energetic and superficial. Immense improvements and exciting innovations have come in along the lines of simplification, taste, mechanical ingenuity, abundant material, lighting and so on; but no great source from which the theater of the future will derive has appeared as yet in America.

The talk, however, about decoration has been so great, and the emphasis on excellent or striking or lavish décor has been so exaggerated, that a certain degree of reaction has set in; there are many who are heartily tired of scenery and the omnipresence of the scenic artist, and who cry for plays and acting raised again to their due prominence. With such a plethora of argument and emphasis, the diverse theories of stage decoration in its relation to the theatrical event have come into the common ring of everyone's opinion and debate: scenery as pure background, neutral as possible; scenery that through its own special elements shall become an integral part of the play, and shall project its own meaning into the sum of the production; scenery that shall disappear, leaving only the action as revealed by the inexhaustible dramatic miracle

of light; scenery that shall hit the eye as the curtain rises and count for its own thrill of pleasure; no scenery at all, machine scenery and no actors, and so on, and so on.

In any final discussion of this subject, the argument will undertake necessarily the comparative values of those elements that go to make up the one art of the theater, such as acting, décor, spoken words; and will necessarily arrive at last at a consideration, not of mere scenery and costume in the ordinary sense of the word, but of stages. We come finally to the three main types of the stage as it stands now among modern experimentalists: the architectural, or permanent stage; the space stage; the Constructivist stage; within which three all theatrical practice and varieties of theory will somehow find a place. The first is the naked stage, familiar in various forms from Greek days, built as a permanent background to all plays, and commonly known as the formal stage. The second strives to escape all confines, to forget walls, deny limits and come as near as possible to a void in which light works to exhibit to us the player, the action, the mood. The third, the Constructivist stage, is designed strictly for its functional relation to each separate play produced. It is a skeleton structure meant wholly for such an end, without necessary regard to esthetic appeal—indeed, in the hands of its staunchest advocates Constructivism eschews the esthetic and is clearly anti-decorative. The ease with which these stage types might overlap is obvious.

It is with the seeds of these stage types and with stage décor through the centuries that Mr. Sheldon Cheney's book is concerned. Mr. Cheney twelve years ago founded and for a time edited the "Theatre Arts Magazine," which under the later editorship of Mrs. Edith J. R. Isaacs has become the one outstanding journal of the subject in English. From that beginning, his study of the theory and history of theatrical design has been continuous, and his travel in search of exact and shining material has been tireless; so that this book presents what is at once the fruits of his study, and the best grounded and most accessible survey of the field that we have. His treatment is generous, enthusiastic and steady. He has no violent inclination of his own to advance or make a noise about, and yet he has at the same time a peculiar gift of warm and contagious response to whatever has power and sincerity within it. As you read, you sense the degree to which the spirit behind an idea or style was alive and essential; and you know what has been at bottom trivial and subversive in the theater, however engaging, ecstatic, brave, sumptuous or startling it may have been. The one unescapable impatience in the book concerns the picture stage in all its forms, which, holding the stage as it did for more than two hundred years, and rich as it was within various surprises and delights, has, even at that, as Mr. Cheney reminds us, held the European theater during only one-tenth of its known history, and "only during an era that has been comparatively lacking in those high qualities that characterized the plays of Shakespeare, Æschylus, Sophocles and Euripides." As to which of the three outstanding stages he will give his faith, Mr. Cheney chooses the architectural, within which, he believes, the other stage styles and qualities can find a just operation.

The two hundred and fifty plates constitute in themselves an important volume, beginning as they do with those of Greece and Rome and coming through the medieval stages, the Renaissance with Palladio's theater at Vicenza, the Sabbioneta theater, and that "first modern theater," the Farnese at Parma, and Inigo Jones in England, and on to an admirable collection of modern stages, theater

plans and significant designs—not always, however, the best work of the artist represented—with the designs of Appia and Gordon Craig rightly stressed, as sources in which all later stage conceptions and theories are to be found, or are, one way or another, implicit.

STARK YOUNG.

Sacheverell Sitwell's Poems

Cyder Feast and Other Poems, by Sacheverell Sitwell. New York: George H. Doran Company. 93 pages. \$2.

CYDER Feast and Other Poems" presents Sacheverell Sitwell's most consistent and satisfying work, but this is scarcely unqualified praise, for at the same time the limit of his talent is here demonstrated more clearly than ever before. Mr. Sitwell's short poems possess a limpid and accurate technique, a clarity in phrase, and the impersonality of tone that characterizes the less impressive work of the Jacobians who are his admitted models in the pastoral lyric. But these qualities almost amount to an anonymity, for the poet's feeling for his material is a purely formal one. On the other hand, in the more ambitious pieces, such as "Dr. Donne and Gargantua," the more personal impulse loses itself in an over-elaborate and vacillating treatment.

The new "Poems for Hortus Conelusus" carry the type but little beyond its development in the "Thirteenth Cæsar," except in greater compression and a stricter feeling for structure. The "Pear Tree," which is perhaps the finest lyric Mr. Sitwell has done, gives something of the rich placidity found in Keats' "Ode to Autumn."

This and this ripen in the rime's white hour
At spikes of new frost into a summer of few days
Such stony hearts to cells of sweetness turned
That in this sudden favor of the mutual boughs
Must lie some secret that is shut in their similitude
While they load like rain the drooping green of their
branches.

Other poems in this series are to be remembered, but they are more decorative and literary, and do not have this same clear fidelity to the subject of the poet's perception.

The difficulty of "Canto III of Dr. Donne and Gargantua," which appears here, is the same as that of the preceding parts of the poem. The original choice of Donne and Gargantua as symbols of "these two shadow worlds, the real and metaphysical" is an obvious though responsible device, but whatever force lay originally in this expression of the dualism of existence has been dissipated by the treatment of the theme. It seems to me that, when such a symbol lends itself to a complete definition, it ceases to be imaginatively valid. This is not a defense of the type of mystical obscurity found, for example, in the poetry of A. E.; a glance at the figure of the old man in the "Pardoner's Tale" of Chaucer will sufficiently indicate my meaning. The margin beyond the possible abstract definition of the symbol constitutes its vitality, and Mr. Sitwell painfully and frequently defines those he has selected. But the facility with which they give themselves to the placard implies the major criticism: "my Tarzan, my ape-man whom I'll make again And the old philosopher in his cell of books." Furthermore, the incidents of the poem are obvious in the same sense without being artistically convincing, and as a whole the thing is structurally incoherent. There only remain certain fine lines, such as the following, which are submerged in their context:

Gargantua loves no bitterness, no sad distinction in
the dying months
Dwindling to winter.

The "Farnese Hercules" is, I believe, Mr. Sitwell's most distinguished long piece of work. Here are realized in a fuller form the qualities of repose and economy that one finds in the "Pear Tree." The poem might, in one sense, be said to be another "Ode to a Grecian Urn" written by a man who has read more history than John Keats, for the informing idea is in each case much the same. Mr. Sitwell, however, is more specific and introduces a certain unhappy satirical inflection that vitiates the total emotion of his poem. The "Farnese Hercules" and the two other poems under the "Canons of Giant Art" afford, aside from their subject, the most worthy instance of what some critics have termed Sacheverell Sitwell's "classicism."

ROBERT PENN WARREN.

Songs, Ribald and Solemn

Yankee Doodle Doo, by Grenville Vernon. New York: Payson and Clarke. 165 pages. \$5.

Weep Some More, My Lady, by Sigmund Spaeth. New York: Doubleday, Page and Company. 268 pages. \$4.

My Pious Friends and Drunken Companions, by Frank Shay. Illustrated by John Held, Jr. New York: The Macaulay Company. 192 pages. \$2.

Frontier Ballads, by Charles J. Finger. Illustrated by Paul Honoré. New York: Doubleday, Page and Company. 181 pages. \$3.50.

PUBLIC interest in American songs, which commenced with a sudden belated awareness of the Negro spirituals, has almost as suddenly broadened out to include a much wider area. Accordingly, the first respectable library of our song-lore is beginning to accumulate; one which will demonstrate to future generations that a fad may leave richer debris than mah-jong counters behind it.

Of the four items of this library that lie before me, one ("Yankee Doodle Doo") limits itself to a single definite subdivision of song literature: the lyrics and music of pre-1860 American operas and operettas. Apart from any considerations of scholarship or intrinsic interest, it has the distinction of being the sole existing collection of these songs. It is unfortunate that its editor and publisher have left its primary purpose undisclosed. Its gay and beautiful dress and format beckon toward the general reader, and yet that reader, whether in his chair or at his piano, would be cruelly bored by much of its contents; the unhappy truth being that our early operatic songs, as distinguished from those of variety and the minstrel shows, were flat beer. This is no gift-book, then, but a reference work, and (being unique) necessarily a valuable one. But the student will complain not only of its lack of an index (a device apparently unknown to writers on songs) and of references to sources, but of its inexplicable failure either to claim or to disavow inclusiveness.

Only a year has passed since Sigmund Spaeth prefaced his "Read 'Em and Weep" with the remarkable intimation that such of our "old songs of sentiment, melodrama, and ribaldry" as could not be found in that work were not worth preserving. Since "Weep Some More, My Lady" devotes itself to preserving material of the same character as that in "Read 'Em and Weep" and of equal quality and quantity, this second volume may fairly be regarded as a handsome, but not unwarranted, apology,

for the slight conveyed by the first. The two, considered as a single essay and collection, are a highly entertaining as well as competent survey, running from early days almost to the present, of the product of the great American song-business, copiously illustrated with facsimiles of diverting lithographs from the songs themselves and from the word-books known as "songsters." These are pleasure-books, first, and yet they are reference works as well, although for the latter purpose (one which the editor himself expressly disclaims) they are vague as to dates and other aids to study which might often easily have been included. However, it is from a strictly popular standpoint that I here offer a complaint against Dr. Spaeth. This is, that his prime object is to excite laughter, and were it not that the amusement he invites is usually at the expense of his material itself, and that the unconscious humor of a song is most thoroughly exploited by singing it, he might well have saved the trouble of giving the melodies of his exhibits. This attitude is, I think, illustrated by the presence in "Weep Some More" of the photograph of a singer whose meat-axe burlesques of the songs of the nineties impress me as offensive alike to sportsmanship and to intelligence. The songs are funny; why scream and point? Dr. Spaeth himself seldom screams, and there is an argument for his quietly indicating the high spots in his prizes by clever footnotes for dull readers, and yet to approach songs as primarily the subject for snickers is to run the risk of rendering oneself unable to find anything else in them.

Frank Shay, in his "My Pious Friends and Drunken Companions," points out that drunks infrequently sing of drinking, leaving that subject to "the singing hydro-pot" who writes of whiskey, but drinks water. Charles J. Finger adds the information that cowboys, sailors, tramps and miners by no means favor their own occupations as the subject of balladry. Any of these classes, in short, on any occasion, is as likely as not to settle upon the mournful ballad of "Young Charlotte" (published in four of this season's collections) as on what an outsider would regard as an appropriate theme. This truth, one notes, makes for similarity in song-books, for a focussing upon sentimental music-hall songs and certain pieces of ribaldry that have their home wherever English is spoken; what with a version of "Christopher Columbo" in Shay, one of "Pat Murphy" in Finger, and variants of "Frankie and Johnny" in every collection that comes out, it is becoming plain that ere long all the dirty ditties—after major operations of expurgation—will have achieved print. Pitiful will be the state of their remains, but there they'll be. And so "Frontier Ballads" and "My Pious Friends" overlap to an unexpected degree with each other and with the effusions which engage Spaeth's attention. There is a widely different flavor to these two volumes, however. Shay's is an aid to relaxation: he does not generalize, but presents a heterogeneous mass of verse with a few perfunctory and often ill-remembered lines of melody, and then withdraws. There is so much good in the mass, that with Held's inspired drawing thrown in, Shay's is the surest and easiest evening's recreation of any of these four books. Most of its contents may readily be found elsewhere (among the exceptions are the gorgeous "O'Slaterry's Light Dragoons" and a fine series of bar-room recitations), but not in any such palatable concentration for impatient and non-musical readers.

Finger's "Frontier Ballads" is another matter. He loves the songs he has heard at earth's frontiers, he remembers how they were sung, he wishes them to be resung, not

merely read, and, most important of all, he has the words with which to direct the proper manner of their singing:

This ["Doo Me Ama"], a comic song, I have never heard sung with other than a serious mien. Should there be much noisy laughter here and there, as, for instance, at the Squire's remark, the singer, in that case, would continue soberly. Scar-Faced Sam generally allowed a slow smile to spread over his face at the end of the chorus, after which he would expectorate copiously. . . .

Thought is a natural and beautiful sequence of rest. So, in singing, do not overlook the pauses. Sing [frontier songs] with very great deliberation, and with a kind of amused surprise, as if astonished that anyone should be ignorant of so old a song. . . .

The soloist [in "Reuben Ranzo"] should sing raucously, and must be supported by a chorus of six of eight sailors whose notions of music are rudimentary, and also a blasphemous mate or bos'n. The same settings must be used for "The Amsterdam Maid," "Blow the Man Down," and all other chanties. . . . When sailors sang sea-songs, they refused to sing the song as it was written if there was the slightest chance to distort it. Take "Nancy Lee," which ran in part:

See how she stands upon the quay
And waves her hands to me.

It was always rendered:

See how she stands upon her hands
And waves her legs to me.

And the most innocent of limericks, which have always been popular, were invariably embellished with the language of venery.

This remark on the nautical technique will make it possible to imagine the editorial butchery which must have been done upon the specimens in the recently-published and official "Book of American Navy Songs," a volume which might well bore, but certainly could not embarrass, little Elsie Dinsmore herself. Mr. Finger, however, has apparently been able to find enough excellent songs and reasonably innocent songs to fill his volume without much mutilation. He offers evidence that his is the original version of that great swan-song "The Dying Hobo," which ranks with "Casey Jones" for its terminal swoop back from romance to reality:

The hobo smiled. His head fell back, he'd sung his last refrain.

His partner swiped his shirt and coat and hopped the last-bound train.

He has a number of fine examples that are difficult or impossible to find elsewhere: "The Castle on the Sea" (which describes a very recent jail-breaking at Governor's Island in New York Harbor); "Roy Bean"; "Billy Brink"; "The Hell-Bound Train"; a string of old songs about prize-fighting, full of by-gone English "flash" jargon; the majestic Irish ballads of battle and of food, "Advertising Kelly" and "Gilhooly's Dinner Party," and so on. Some of the chance remarks of his walking sources are no less memorable than their set pieces: an aged and disreputable singer explained to him between verses of "Sam Bass" that "Poetry hain't what you'd call truth. There ain't enough room in the lines." There, in thirteen words, lies the matter of as many full-grown essays by H. L. Mencken. Mr. Finger's musical notation is careful, but unfortunately almost illegible; with this exception, his work is satisfying from every point of view.

ABBE NILES.

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Recent Fiction

The Old Nick, by F. W. Bronson. New York: Doubleday, Doran and Company. \$2.50.

MR. BRONSON'S second book is so excessively uplifting and noble that to criticize it adversely seems a little churlish. It brands one with incapacity to appreciate this Novel of Understanding, a happy phrase invented by the blurb writer. The Old Nick is a model father who eschews tyranny and treats his three impetuous sons with such tolerance and sympathy that they give him their confidence and allow him to rescue them from the rather unpleasant messes in which they become involved. Unfortunately, one receives the impression that if Old Nick had been less soft-hearted in the beginning, his sons might have turned out better. The book is smoothly enough written, but it is unbearably sentimental and priggish—a diluted version of "Sorrell and Son."

E. H. W.

World's Ends, translated from the German of Jacob Wasserman by Lewis Galantière. New York: Boni and Liveright. \$2.50.

THESE five stories, originally published as "Der Unbekannte Geist," reach back over intervening translations and recapture the tone of "The World's Illusion," which first put Wasserman on our living-room tables. Not that any one tale could be said to reproduce that bifurcated novel. "Erasmus" evokes the world of the German nobility which made its first part an orgy of color, movement, life. "Jost" revives the second part: a sordid welter, shot with mysticism. The other tales—"Adam Urbas," a psychic detective story, "Lukardis" and "Golovin," melodramatic character sketches—simply recall the general spirit. It is not only the names in "Lukardis" and "Golovin" that mark this spirit as Russian. Wasserman has much in common with Dostoyevsky. He shows the same crowding of people and events to achieve a three-dimensional chaos; the same penchant for abnormal psychology, viewed without surprise; the same journalistic approach, broadening out into dramatic scenes. Like the Russian's, his stories lack that hyperunity to which our magazine public has been trained. They are torn from the fabric of life with loose threads left hanging. Instead of being neatly framed between "once upon a time" and "ever after," his characters betray a bond with past and future. It is true that Wasserman never achieves the grim solidity of "Poor People" or "A Gentle Spirit." He substitutes the rainbow veneer that made his first American best-seller a "paradise in rococo." Yet to call him chromo-Dostoyevsky is unfair. Foreign, high-colored, fantastic as he is, he nevertheless commands the quality which this literary season knows as real.

B. G.

Venture, by Max Eastman. A. and C. Boni. New York: \$2.50.

MR. EASTMAN has written a novel about a poet who scorned the shadow existence of poetry and, desiring to live Life, went out into the great world of affairs. The world of poetry, we are led to believe, is a state of being in which a young man can write

She is a nice girl, every inch of her
Though nothing you could say would please her less.
She's buxom, comely, muscular. . . .

and have it described as "a vital, sincere portrait . . . not without signs of real literary ability" by no less a critic than Mr. Eastman himself. The world of reality, on the other hand, is a state of being in which the same young man can so charm a great millionaire that vast sums of money are placed at his disposal. With the money he can go into the unique trade of supplying housewives with fresh-ground coffee to go with the morning milk, and make an immediate and startling success. To make Reality even realer, the young man loses all the money through a gay accident, gives up business for the love of a beautiful Russian Communist named Vera; and teaches hardened strikers college songs, thus giving them new heart and earning their love and respect. The difficulty, of course, is that Mr. Eastman is concerned neither with reality nor poetry. He writes of that shadow world which substitutes multiplication for intensity, and dollars for wealth—the world in which the man who has "lived" is he who has picture post-cards from Borneo as well as Vienna, though he has never thought to contemplate his soul.

M. P. L.

High Thursday, by Roger Burlingame. New York: Charles Scribner's Sons. \$2.

A GAIN, as in "Susan Shane," Roger Burlingame has come close to writing a good novel, and again a perfunctory style, a certain superficiality, and a weakness for mechanical plot have proved his downfall. In "High Thursday" he has attempted the perennially difficult feat of delineating genius. There is not a single normal Babbitt among the celebrities who flock to the studio of Tom Madden, a great critic who had once striven to be a painter. It was his wife Jane who guided him into his proper career, and when he runs off with a predatory flapper, she waits philosophically, knowing that he is too dependent on her not to return. There is life in this story, and in the turbulent figure of Tom Madden, but there is also the romanticized glitter of the Latin Quarter and Greenwich Village. Mr. Burlingame has made genius fairly credible, but he might perhaps produce more satisfactory results by choosing characters more commonplace and endeavoring to explore them more profoundly.

E. H. W.

Contributors

AARON COPLAND, a young American composer, is lecturer on modern music at the New School for Social Research.

BABETTE DEUTSCH is the author of two books of verse, "Honey Out of the Rock," and "Banners," and of two novels, "A Brittle Heaven," and "In Such a Night."

RAYMOND HOLDEN has contributed articles to current publications, and is the author of a book of verse, "Granite and Alabaster."

WALTER LIPPMANN, formerly an editor of the New Republic, is now chief editorial writer for the New York World. He is the author of "Public Opinion," "The Phantom Public," "Men of Destiny," and other books.

ROBERT PENN WARREN, formerly an editor of *The Fugitive*, is at present a graduate student at Yale University.

ABBE NILES, co-author with W. C. Handy of "Blues," an anthology of Negro songs, now conducts The Bookman's department on folk-songs and popular music, "Ballads, Songs and Snatches."

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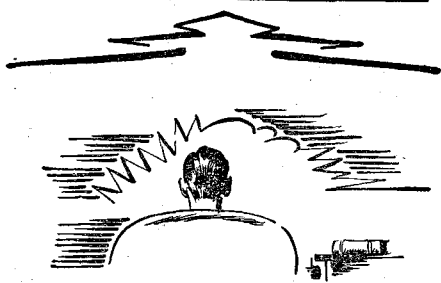
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